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Press Release

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AUSTRIAN FOREIGN MINISTER AND UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES ADDRESS HUMAN RIGHTS COMMISSION

Alois Mock Calls for Integrated, Action-Oriented Approach to Human Rights; Sadako Ogata Seeks Support of Commission on Refugee Issues

(Delayed owing to technical difficulties.)

GENEVA, 9 February (UN Information Service) -- An integrated and action-oriented approach was needed to contribute decisively to the realization of all elements of the final document of last year's World Conference on Human Rights, Austria's Federal Minister for Foreign Affairs, Alois Mock, told the Human Rights Commission this morning. Such an approach required action by the newly-designated High Commissioner for Human Rights, who should provide the international community with proposals for concrete action necessary for an effective realization of all human rights.

Mr. Mock called the appeal made by the Commission yesterday for an end to genocide in Bosnia and Herzegovina, timely. Such crimes as the horrible massacre in Sarajevo could not be accepted, and the international community must take the necessary action to stop them.

Also addressing the Commission, United Nations High Commissioner for Refugees Sadako Ogata said that since the last time she appeared before the Commission, a year ago, the world population of refugees and internally displaced persons assisted by her Office had increased by another 2 million, reaching the staggering figure of 20 million. Most refugees and internally displaced persons were victims of the twin scourges of human rights abuses and internal conflict. She highlighted the growing human rights role of the UNHCR and sought the support of the Commission in her Office's undertakings.

The Commission continued to discuss the question of the realization of economic, social and cultural rights; the realization of the right to development; the status of the International Human Rights Covenants; and the effective functioning of United Nations human rights treaty bodies.

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The representatives of Libya, Malaysia and the Netherlands spoke on economic, social and cultural rights, and on realization of the right to development. Australia spoke on the status of the Human Rights Covenants and the functioning of United Nations human rights treaty bodies. China spoke on item 16. The Russian Federation spoke on all four items. The representatives of the Movement against Racism and for Friendship among People, and the Centre Europe-Tiers Monde, also spoke.

Statements

ALOIS MOCK, Federal Minister for Foreign Affairs of Austria, told the Commission that as President of the World Conference on Human Rights, he had been impressed by the wealth of proposals contained in the Vienna Declaration and Programme of Action adopted at the Conference's conclusion. The Conference had already had positive repercussions on other important political developments, contributing further to the beginning of a new human rights era. The achievements of the Conference were reflected in unprecedented progress in the Middle East peace process, in South Africa, Cambodia and in Central America. Elsewhere, however, massive human rights violations continued to occur. The plight of refugees and of displaced persons in all parts of the world was a constant reminder that international law and human rights were being blatantly violated.

The horrible massacre in Sarajevo had shocked the world, he continued. Such terrible crimes could not be accepted and the international community must take the necessary action to stop them. The appeal of the Commission yesterday to put an end to the genocide in Bosnia was therefore more than timely. He expressed Austria's deep appreciation for Special Rapporteur Tadeusz Mazowiecki's commitment to the humanitarian cause in that tragic conflict. Austria also looked forward to the International War Crimes Tribunal becoming fully operational as soon as possible.

Regarding the role of the Commission in following up the Vienna document, Mr. Mock said the Commission could well build upon impressive achievements. The use being made of the information and recommendations emanating from the impressive system developed by the Commission, however, certainly could be improved. Not only was full cooperation by all Governments required and closer cooperation among the various parts of the system should equally contribute to that aim. This also held true for the growing number of bodies entrusted with overseeing the various international human rights treaties. An integrated approach was needed, as Assistant Secretary-General for Human Rights Ibrahima Fall stated at the opening of the session.

Such an integrated and action-oriented approach would contribute decisively to the realization of all elements of the Vienna document, he went on. It necessitated action by everyone, including action by all Governments, especially with regard to the national human rights infrastuctures, to ratification of the major international human rights instruments, and to their effective implementation. It would also require action by international organizations, especially across the United Nations system, for providing global and effective strategies, programmes and activities, with the Centre

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for Human Rights and the High Commissioner for Human Rights as focal point; action by non-governmental organizations; and action by the new High Commissioner for Human Rights.

The High Commissioner should be in a position to provide the international community with a comprehensive picture of the current human rights situation in the world, based on information provided by all other partners in the human rights field, he continued. The High Commissioner should provide the international community with proposals for concrete action necessary for an effective realization of all human rights and he should function as an effective coordinator of the whole international human rights system. The High Commissioner should also act as a catalyst and stimulator for the further development of the international human rights system vis-à-vis new trends and challenges.

Together with the High Commissioner, the Commission was uniquely placed to bring about a truly integrated and action-oriented approach to human rights, Mr. Mock said. He pledged Austria's support to the Commission and its rapporteurs and working groups, and to the new High Commissioner for Human Rights.

Statement by High Commissioner for Refugees

SADAKO OGATA, United Nations High Commissioner for Refugees, recalled that since the last time she had addressed this Commission a year ago, the world population of refugees and internally displaced persons assisted by her Office had increased by another 2 million to reach the staggering figure of 20 million. Most of the refugees and internally displaced persons were victims of the twin scourges of human rights abuses and internal conflict, often along ethnic and sectarian lines. Political instability and socio-economic inequities were leading to ethnic tensions, massive violations of human rights, violence and large-scale population movements. She highlighted the growing human rights role of the UNHCR and said she sought the support and cooperation of the Commission in the Office's difficult and ambitious undertakings.

The principles of international protection of refugees in the country of asylum were grounded in international human rights, she went on. While encouraged by recent developments to provide temporary protection in situations of large-scale movements, she expressed concern over major reversals in the commitment to asylum. She therefore called upon the Commission to renew its call for protection to be granted to those who needed it, even if only on a temporary basis. Attacks on refugees and asylum seekers and incidents of xenophobia and racism, which appeared to be increasing, were disturbing. Refugee women and girls were particularly vulnerable to exploitation and abuse. The subjects of sexual violence against refugee women and girls and the personal security of refugees had been discussed by UNHCR's Executive Committee last year. In considering the appointment of a special rapporteur on the prevention of violence against women, the Commission should include in his mandate, questions relating to displacement of women and such violence.

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The ultimate objective of international protection of refugees was not to institutionalize exile, but to achieve solutions to refugee problems, she continued. Voluntary repatriation, whenever possible, was the ideal solution. That was why it was important to stress a refugee's right to return home in safety and dignity. Today, many refugees were returning home to situations that were far from safe, as in the case of the over 1 million Afghans who had returned to Afghanistan.

The efforts of the international community, she went on, could not be limited to mitigating the consequences of flight, but must seek to address the causes. A common thread in most displacement today was that of persecution and, sometimes, expulsion of minorities. The continued work of the Commission for the protection of minorities would be of great value in promoting a preventive approach to refugee flows and displacement.

In seeking to address the refugee issue in a preventive and solution-oriented manner, she said, UNHCR was increasingly providing assistance and protection to internally displaced persons, so that they were not compelled to flee across borders. Increasingly, UNHCR had sought to address the problem of internal displacement as part of its strategy to prevent refugee flows, for instance in northern Sri Lanka, former Yugoslavia, Azerbaijan and Tajikistan. Aside from some 1.2 million refugees who had fled to the neighbouring countries, in Bosnia and Herzegovina, UNHCR was helping some 2.7 million of the internally displaced and besieged population. Throughout the conflict, her Office had intervened with authorities and alerted Governments and the public on human rights abuses which had taken place on all sides of the conflict.

The Commission in its work to strengthen the protection of the internally displaced must seek to bring about a convergence of refugee law, international human rights law and international humanitarian law, she continued. Although the origin, development and content, as well as means for implementation of these respective laws were different, each had a useful contribution to make to the protection of the internally displaced. Preventive strategies must take into account the full range of factors that compelled people to leave their homes. Thus a comprehensive and integrated approach was required. In this process, more systematic attention should be given towards including an international human rights component in United Nations's operations to address internal conflicts.

SAID HAFIANA (Libya) said the exercise of the right of developing peoples to choose their own path based on their social, cutural and historical principles was a victory any time it occurred. The North still monopolized economic power, high standards of living, and resources; programmes of assistance and development were designed to perpetuate subjugation in the South. International debt loads and other impositions were used as a form of control. There was still a double standard. One source of unfairness was the Security Council, which misused its power to serve the political purposes of certain countries. It applied Chapter VII of the Charter to Libya, which had

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not invaded another State's territory, and yet when the subject was Israel, which indeed had invaded another State's territory, no action was taken -- there was always a veto.

MARTIN SHARP (Australia) said that it was time for the Commission and the General Assembly, along with the Human Rights Centre to implement the recommendations of the Vienna Declaration and the Program of Action. The goal of universal adherence to the major human rights instruments and the importance of the treaty bodies as forums for constructive dialogue between States parties and the United Nations human rights machinery, were well established. However, the treaty system today placed substantial reporting burdens on States parties and escalating demands on the finite servicing resources of the Centre for Human Rights. To achieve universal ratification of the major human rights instruments there was a need to identify the six core treaties, namely, the two Covenants and the Conventions on women, torture, racial discrimination and children, as the foundation stone of the human rights programme; to stress the desirability of speedy universal ratification of the two Covenants and to set the year 2000 as the target date for universality. Significant improvements in the treaty system could be achieved through reducing the duplication of reporting required under the different instruments, thus generally reducing the reporting burden on Member States.

LIU ZHENMIN (China) said that along with the increase of treaty bodies and State parties to the various Conventions, problems had popped up such as those caused by the increasing accumulation of unprocessed State reports, the delay in the deliberation on such reports, the shortfall of funding resources of relevant treaty bodies and the failure by some State parties to submit their reports on time. All these problems had created serious impediments to the effective functioning of various treaty bodies. The various treaty bodies should strengthen coordination among them and reduce unnecessary duplication of efforts, thus improving their efficiency.

All the treaty bodies should give full consideration to the recommendation contained in paragraph 37 of the second part of the Vienna Declaration and Programme of Action, he continued. They should also continue to take steps aimed at coordinating the reporting requirements and guidelines for different human rights Conventions, and should speed up the study on the feasibility of submission by each State of one overall report on the treaty obligations it had undertaken under relevant Conventions, so as to avoid overlapping reporting. In addition, he said, the international community should give full consideration to the difficulties of the developing countries in preparing reports and make necessary adaptation and show certain flexibility as appropriate.

SERGUEY KOSSENKO (Russian Federation) said the Covenants were the very foundation of the human rights edifice. Several of the large Republics which had emerged from the former Soviet Union had not formally acceded to them. Russia had, and had signed the CIS statement on commitment to abide by human rights instruments. Russia also was taking steps to guarantee freedom of opposition, speech, and political expression. The balance between other human

rights and the right to development was subtle; the two should not be considered in conflict with each other. They were both benefits provided by democracy. Special attention should be focused on the legal parameters of development, rather than on its strictly economic aspects.

DATO' MUSA HITAM (Malaysia) said that it was necessary to overcome at the international level certain obstacles arising from such questions as the general recession, the problem of over-indebtedness, trade barriers, environmental issues, technology transfer, international investment and inadequate partnership for development. Some of the most fundamental obstacles that stood in the way of development included the structure of the international economic system that had not been able to help reduce the ever-increasing gap between the North and the South.

The first session of the Working Group on the Right to Development appeared to have been inadequately serviced by the Secretariat, he continued. That would suggest that the work of the Working Group was not taken seriously by the international community and the Secretariat, an attitude also reflected in the indifferent participation of the representatives of the intergovernmental organizations. Perhaps that was not surprising, considering that the Commission met every year for six weeks and devoted only two agenda items out of 21 to economic, social and cultural rights, which were addressed over barely two days. Malaysia called on the international community to address all human rights globally in a fair and equal manner and on the same footing. The international community should emphasize universality, objectivity and non-selectivity in the consideration of human rights issues.

J.J. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples), said the right to development, if it were not respected, would lead to explosions in the world, with intolerable consequences. The 1993 United Nations Development Programme (UNDP) report reflected the terrible situation facing the developing world. The report was severely critical of the prevailing situation. Moreover, an essential link existed between racism in its current form and social exclusion. In Algeria for example, debt servicing cost $9 billion, almost 90 per cent of its exports. Little was left for imports. The International Monetary Fund (IMF)'s demands had serious social consequences in developing countries. The policy of indebtedness in African countries had to be examined and not ignored. Otherwise, the situation would lead to a catastrophe. One approach could be regional unions set up by developing countries situated resolutely outside of the currency circuits. The under-developed countries were populated by people too and the policies of the North were irrelevant to them. They could find their own solutions -- if no outside Power prevented them.

MALIK OZDEN, of the Centre Europe-Tiers Monde, said the United Nations-imposed embargo on Haiti had completely failed. One must ask how the Haitian people could still believe in its right to development. For nearly 29 months, the paralysed Haitian population had been entirely dependant on an international community which, through lack of political will, allowed itself to be humiliated by a handful of bloodthirsty soldiers. Human rights violations had caused the departure of not only the underprivileged, but of

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the democracy activists. The game of the military was clear: to push out the activists in order to decapitate the resistance. At the same time, the United States was thought to be encouraging their departure. How was one not to believe in a certain complicity between the Haitian military and the United States?

CEES FLINTERMAN (Netherlands) said that the African Charter on Human and Peoples' Rights, which entered into force in 1986, was in a way the most innovative, comprehensive human rights instrument. The protection of social, economic and cultural rights within the Council of Europe had for a long time been confined to the European Social Charter. This Charter had rightly been characterized as "Europe's stepchild", especially because of its weak supervisory mechanism. Recently a Ministerial Conference of the Council of Europe, on the occasion of the thirtieth anniversary of the Charter, had taken a first step to strengthen it.

Further study on the broader issue of the protection of housing rights should be awaited before the Commission considered the establishment of a more permanent mechanism, such as a Special Rapporteur on the practice of forced evictions, he went on. The International Covenant on Economic, Social and Cultural Rights was no longer "a poor relation" of human rights instruments. All States which had not yet done so once again should be called upon to ratify the Covenant. Its Committee should also be encouraged to make appropriate use of the information that relevant non-governmental organizations might provide on the situation of economic, social and cultural rights in States whose reports were due for consideration. More explicit attention to the United Nations Advisory Services Programme for economic, social and cultural rights. It might be appropriate to establish a specific confidential procedure for situations which revealed consistent patterns of gross and reliably attested violations of such rights.

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Press Release

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COMMISSION ON HUMAN RIGHTS CONTINUES TO DISCUSS ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Speakers Highlight Importance of Inclusion of Right To Development in Final Documents of Vienna World Conference

GENEVA, 9 February (UN Information Service) -- The World Conference on Human Rights held in Vienna last year marked a turning point in the search for a balanced treatment of different human rights categories, the representative of Kenya said this afternoon as the Human Rights Commission continued to examine the realization of economic, social and cultural rights.

D.D.C. Don Nanjira told the Commission that the question of the realization of those rights and of the right to development were among the most crucial topics before the Commission because the issues they addressed had been neglected for too long, and yet it was in them that the essence of human rights was to be found. The Vienna Declaration and Programme of Action had accepted and recognized the right to development as a human right and accorded priority to the enhancement of development, democracy and human rights through increased international cooperation.

The representative of Indonesia also highlighted the importance of the inclusion of the right to development in the Vienna texts, calling it "one of the most significant achievements" of the Conference. And the representative of Ukraine said the reaffirmation of the universal character, indivisibility, interdependence and interrelatedness of the civil, political, economic, social and cultural rights was the major accomplishment of the World Conference.

This afternoon, the Commission also heard further statements on the status of the International Covenants on Human Rights and the functioning of the United Nations human rights treaty bodies.

Also taking part in this afternoon's debate were the representatives of Venezuela, Canada, Mauritania, Bangladesh and Austria, all members of the Commission. New Zealand, an observer at the Commission, spoke on the functioning of treaty bodies. Three non-governmental organizations -- the International Movement ATD Fourth World, the World Federation of Trade Unions

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and the International Federation of Rural Adult Catholic Movements also made statements.

Statements Made

ALFREDO TARRE MURZI (Venezuela) said a quick look at the situation of human rights in the context of global geopolitics revealed that few countries guaranteed fundamental rights and freedoms. Further, the social, economic and institutional crises of a large percentage of countries made it imperative that one give special attention to the consideration of the right to development. Genuine and stable democracy could only be attained in countries which could break free from economic dependence and achieve development. External debt, the control of a nation's foreign trade by institutions and Governments of developed countries, the imposition of treaties and agreements by those Powers and repeated interventions were detrimental to the exercise of the right to development.

The developing countries had the responsibility to define their priorities for development, in which social costs should also be defined, he continued. For that, they required the reinforcement of international cooperation and the support of the international financial institutions. The recommendation to include the right to development in upcoming United Nations conferences was particularly important.

ALAN H. KESSEL (Canada) said the crucial starting point for the effective operation of the human rights treaty system lay in efforts to secure maximum adherence to the most important instruments. The longest standing set of problems besetting the treaty system related to the chronic and increasing disparity between the reporting obligations imposed by the treaty system and the record of Governments in fulfilling those obligations. With more than 1,000 reports overdue now, that ran the risk of undermining the treaty system.

An inventive method of dealing with non-reporting currently used by the Committee on Economic, Social and Cultural Rights was the scheduling of the examination of delinquent States even in the absence of their reports. That method, he continued, could be introduced throughout the treaty body system. Another creative approach of that Committee was the proposal for "on-site" visits by its members to those countries seriously delinquent in their reporting. For those States simply unable to complete their obligations for reasons of inadequate experience, the option of providing advisory services could be considered.

He went on to say that some possible long-term options for addressing problems included reducing the number of treaty bodies and thereby the number of reports required; encouraging States to produce a single "global" report to be submitted to all relevant treaty bodies; and replacing the requirement of comprehensive periodic reports with specifically tailored reports.

SOEMADI BROTODININGRAT (Indonesia) said one of the most significant achievements of the World Conference on Human Rights in Vienna last year was the unanimous recognition of the right to development as an inalienable right

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and an integral part of fundamental human rights. Among the Vienna Declaration references that should serve as guidelines for the implementation of the right to development were: the acknowledgement that development facilitated the enjoyment of all human rights; that the existence of extreme poverty inhibited the full enjoyment of human rights; the call on all States to cooperate and on the international community that it promote cooperation for the realization of the right to development and the elimination of obstacles to it.

In spite of that progress, underdevelopment was still pervasive in many, if not the majority, of the world's countries, he stated. Furthermore, the development efforts of many developing countries were still being hampered by an unfavourable, if not hostile, external economic environment. One of the most important efforts that the Commission could and should make in order to implement consistently the Vienna consensus on the right to development would be to ensure a more balanced treatment of civil and political rights, on the one hand; and economic, social and cultural rights on the other, including the right to development. The newly nominated High Commissioner for Human Rights -- whose appointment is to be confirmed by the General Assembly -- should also treat those two sets of rights in a balanced manner.

MCHAMED OULD (Mauritania) said the international community must take some responsibility for the realization of the right to development, as the burdens involved could overwhelm individual developing countries. Education was important, as was recasting of international economic relations. Protectionism, the deterioration of fair trade, and overwhelming foreign debt remained major obstacles to development in many countries. The conditions of most of the world's population were deteriorating, and that process must stop. It weakened the hope and civic spirit of people and could lead to instability and totalitarianism. National selfishness had to be overcome, and international solidarity had to prevail.

ABU EUSUF MD KHALILUR RAHMAN (Bangladesh) said Bangladesh had set priorities to develop and ensure the well-being of human persons, placing high importance on the socio-economic uplift of the country. It sought to ensure basic nutrition for the poor and deprived masses, to expand primary health care, to immunize children against major killer diseases, and to attain universal primary education. Special priority was being attached to the integration of women into the development process.

The most difficult obstacle to the realization of the right to development lay in the unfavourable international macroeconomic environment, as reflected in the widening gap between the North and the South, the rich and the poor, he went on. The international community should support development efforts by providing substantial concessional assistance, as well as relaxation of aid conditionalities. The High Commissioner for Human Rights should give due priority to monitoring and promoting the implementation of the Declaration on the Right to Development. The right to development should be inscribed in the agenda of forthcoming conferences convened by the United Nations, including

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the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the substantive session of the Commission on Social Development.

D.D.C. DON NANJIRA (Kenya) said the question of the realization of economic, social and cultural rights and of the right to development had been neglected for too long, and yet it was in them that the essence of human rights was to be found. The human rights scale had too long been tipped in favour of civil and political rights. The peoples of the developing area began to doubt the traditional emphasis on only one set of rights long ago. The turning point in the search for a balanced treatment of all human rights came during the World Conference in Vienna, whose Declaration accepted and recognized for the first time the right to development as a human right. The Declaration had also accorded priority to the enhancement of development, democracy and human rights through increased international cooperation. The progress made from 1987 to 1993 should be noted, as they had given a new dimension to the question of the right to development.

Future meetings of the Working Group on the Right to Development should be held in different regional centres, he continued. Among the obstacles to the realization of the right to development were all forms of racism and racial discrimination, colonialism and neo-colonialism, foreign domination and intervention, environmental degradation, menace of war and the denial or refusal of the right of peoples to self-determination. The speaker called on the Commission to formulate measures to allow the implementation of the recommendations of the Working Group.

OLEXANDER SLIPCHENKO (Ukraine) said that the Vienna Declaration and the Programme of Action had recognized that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. Reaffirmation of the universal character, indivisibility, interrelatedness and interdependence of civil, political, economic, social and cultural rights was the major accomplishment of the World Conference. Few countries could comprehend the true significance of those words better than Ukraine -- which was going through the extreme pains of transition from a totalitarianism and centrally-planned economy to the democratic forms of societal organization and market-oriented economic models. Deep industrial recession, galloping inflation, and deterioration of the living standards of the overwhelming majority of the population had already produced multiple fields of acute social tensions which bore the seeds of future conflicts and called into question the very prospects of the reforms.

The concept of social security in Ukraine, recently adopted by Parliament, he went on, was based on the approach which would make it possible to bring the system of social protection into line with the objectives of economic reform. The concept proceeded from the assumption that persons capable of working should be provided with the opportunities to earn their living rather than depend on the dole. One of the many problems to be addressed in the context of the obvious difficulties confronting Eastern and Central European countries in transition was the relationship between the implementation of economic restructuring and foreign debt burden. The international community was

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obliged to assist individual countries in their movement towards the generally accepted standards of the protection of human rights, although the road might turn out to be an arduous one.

ALASTAIR M. BISLEY (New Zealand) said that the provision of adequate technical assistance and advisory services should play an important role in overcoming obstacles to ratification. It was disheartening for countries who had made the effort to comply with reporting obligations to have to face delays, which could be years long, before the reports were considered. It was estimated that by the year 2000, if there were, on average, 160 States parties to each of the six treaties, 1,000 reports per reporting cycle would be generated. Reporting obligations amounted to a considerable burden on States parties, particularly smaller developing countries.

The Committee on Economic, Social and Cultural rights had adopted the practice of considering the situation in States parties which had consistently failed to report, or whose reports were long overdue, he said. The adoption of the approach, as a "last resort" option, should also be considered by other committees. He would welcome the opportunity for further discussion of the feasibility of a single global national report to be submitted to the treaty bodies, which could be in the form of an enhanced "core document", to be supplemented by information on specific issues identified by the relevant body.

MANFRED NOWAK (Austria) pointed out that the total number of States parties to the International Covenants still amounted to little more than two thirds of United Nations Member States. There should be no reason for the remaining States not to sign and ratify both Covenants. If States continued to avoid such binding obligations, one could doubt whether they were taking those minimum standards seriously. The practice of the Human Rights Committee under the first Optional Protocol to the Covenant on Civil and Political Rights provided ample evidence that the individual complaints procedure not only could provide an effective remedy to victims of human rights violations but also often encouraged Governments to change those laws or practices found not to be in conformity with international standards.

It was time to abolish the differences between the so-called "first" and "second" generations of human rights in relation to the respective international monitoring procedures, he continued. The Commission should respond to the request of the World Conference on drafting optional protocols to the Covenant on Economic, Social and Cultural rights, aimed at establishing inter-State and individual complaints systems. Meetings of persons chairing the human rights treaty bodies should be held on an annual rather than only a biannual basis. Another means for improving the efficiency of reporting procedures was the establishment, in the Centre for Human Rights, of a comprehensive computerized data base containing all relevant reports of Governments, intergovernmental and non-governmental organizations on the legal and factual human rights situation in all countries.

BRUNO ROMAZZOTTI, of the International Movement ATD Fourth World, said the very poor had welcomed the Vienna Declaration and Programme of Action because the texts recognized that extreme poverty was a violation of human

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dignity and that it was necessary to put an end to it. They also insisted on the need to facilitate the participation of the very poor in decision-making concerning them. The very poor had the right to share their experience and thoughts on all issues, but particularly concerning human rights.

Benefiting from more than 35 years of experience working with the very poor, the Movement had committed itself to contributing to the work of the Commission and the Special Rapporteur on human rights and extreme poverty, he added. On the basis of that partnership, the Special Rapporteur could today commit himself to encouraging the participation of the very poor in the seminar, "Poverty and the Denial of Human Rights", that the Commission had requested him to organize. The seminar would provide a unique opportunity for direct participation of the very poor in the work of the United Nations.

BEATRICE FAUCHERE, of the World Federation of Trade Unions, said that increasingly there was a scandalous concentration of wealth among a few, and increasing poverty for the rest of the world. No-holds-barred competition by countries meant a decline in trade unions, and a corresponding decline in the conditions and pay offered workers. Once again workers were becoming pieces of goods, a commodity to be picked up and thrown down again. The International Monetary Fund (IMF) and the World Bank subjected third world indebtedness to "structural readjustment" that made sure that the poorest suffered miserably.

One consequence was a rise in production of drugs; another was in the abuse of human beings, such as child prostitution and the sale of human organs, she went on. Trade union leaders were apt to be branded and tried as "terrorists" when they sought to improve workers' pay and conditions. Indebtedness must be partially converted into financing for programmes to benefit people, and the very poorest countries must be forgiven their debts. Developed countries should give 0.7 per cent of their gross national product (GNP) to aid programmes for developing countries.

BLAISE FAVRE, of the International Federation of Rural Adult Catholic Movements, said that rural people were marginalized, abandoned by their Governments, doomed to unemployment and with no right to development. Many obstacles existed, affecting the dignity of men and women and sometimes testing their mettle. In Europe and in Central America, rural people had reaffirmed their right to self-determination, to be the protagonists of their future. In Asia, the rural populations were sensitive to the protection of their environment. With modest means, they fought and were courageous. In Africa, rural development concentrated on the family and the role of the woman. It was to be hoped that the launching of the International Year of the Family would allow all peoples to pursue their own development, on a road clear of obstacles and in solidarity.

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United Nations

Press Release

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FOREIGN MINISTER OF NETHERLANDS ADDRESSES COMMISSION ON HUMAN RIGHTS

Says Many Challenges Remain as Commission Marks Fiftieth Anniversary

(Delayed owing to technical difficulties.)

GENEVA, 10 February (UN Information Service) -- Peter H. Kooijmans, Minister for Foreign Affairs of the Netherlands and a former Chairman of the Commission on Human Rights, said this morning that despite the Commission's 50 years of accomplishments, any urge to celebrate should be tempered by the knowledge that hundreds of millions of people still suffered around the world.

Atrocities not far from Geneva confirmed that observation, he continued. The situation in the former Yugoslavia was an incomprehensible tragedy on a continent which until recently had been considered free from the scourge of war. He welcomed the decision taken yesterday by the North Atlantic Treaty Organization (NATO) to put an end to the siege of Sarajevo.

The Foreign Minister said that in the wake of the 1993 World Conference on Human Rights, held in Vienna, there was a recognition that the rights of certain groups had been neglected, including those of indigenous peoples, refugees and displaced persons, children and women. The newly established position of High Commissioner for Human Rights should have a "certain degree of autonomy" from United Nations Headquarters, and the new official should not be there to initiate "useless seminars".

Also this morning, the Commission adopted a new sub-item entitled "International Year of the Family", and added a new agenda item entitled "Follow-up to the World Conference on Human Rights". The Commission then adopted its agenda for the fiftieth session.

Also this morning, the Commission heard statements on the right to development, the status of the International Covenants on Human Rights, and the effective functioning of bodies established under United Nations human

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rights instruments. Addressing the morning session were representatives of the United States, United Kingdom, Sri Lanka, Cuba, Brazil, Poland, Australia, Malawi, Costa Rica, Ecuador, Mexico and Angola.

Statement by Minister of Foreign Affairs of Netherlands

PETER H. KOOIJMANS, Minister for Foreign Affairs of the Netherlands, said the immense achievements of the Commission could not conceal the continued suffering of hundreds of millions the world over as a consequence of violations and denial of their basic human rights -- the rights the Commission helped develop and the rights it intended to foster and guard.

Unfortunately, not far from Geneva, atrocities that confirmed this observation and sobered the inclination to celebrate, could be witnessed, he went on. The former Yugoslavia was an incomprehensible tragedy on a continent considered until recently free from the scourge of war. The International Tribunal for crimes in the former Yugoslavia should form proof of the fact that while the international community had obviously failed at preventing and controlling the conflict, ruthless killing and torture could not simply be called a side-effect of armed conflict. Impunity was unacceptable anywhere, and it was so in the case of the former Yugoslavia. He welcomed the decision taken yesterday by NATO to put an end to the siege of Sarajevo.

The Foreign Minister went on to say that the World Conference on Human Rights had produced four main results: standards were confirmed; the legitimacy of international involvement and indeed the urgent need for effective international supervision was reaffirmed in a way that left no room for misunderstanding; the message to enhance the international effort for human rights was sent loud and clear; and there was a recognition that the rights of certain groups had until now been neglected in United Nations human rights forums. The High Commissioner for Human Rights should coordinate all the calls for increased action. A certain degree of autonomy of the office in relation to Headquarters was called for. The High Commissioner should not be there to initiate "useless seminars".

It also was acknowledged in Vienna that the rights of various groups had not received the attention they merited, he went on. Indigenous people, refugees and displaced persons, children and women were among them. In general, the Commission had to clean up its act as far as the rights of women were concerned, and it had better start this year. Otherwise the Beijing conference would do it instead. The new Special Rapporteur on women should not be swamped as a consequence of a vague definition of the mandate. The mandate should be clear. The message from Vienna had been that the Rapporteur should focus on violence against women, which unfortunately already was a gigantic problem.

Another neglected category of people who were particularly vulnerable was that of internally displaced persons, he continued. Moreover, persons in danger because they devoted their lives to the cause of human rights, also

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needed the Commission's attention. In human rights, one must think of the victims, think of noble aims, and the task would be a challenge none could refuse.

Statements by Delegations

GERALDINE FERRARO (United States) recalled that the her country had only recently accepted the concept of the right to development. The individual was the central focus of any discussion of that right, a tenet of both the Declaration of Right to Development and the Vienna Declaration and Programme of Action. In addition, the goal of the right to development was the empowerment of the individual, where democracy was the political expression of respect for human rights and private enterprise, free markets and free trade were its economic bases. As clearly set out in the Vienna Declaration, a State's level of economic development could never justify an abridgement of any human rights. Therefore, the State was a guarantor of all human rights.

The United States supported the effort to eliminate obstacles to development and called on all nations to promote effective national development policies, she continued. Internationally, Governments should promote fairness in trade, as well as giving strong support to intellectual property rights. Although the United States could not agree with every element of the report on the right to development, much of the language of the report was consistent with her Government's position.

HENRY STEEL (United Kingdom) welcomed the news that since last year's session of the Commission, a further eight States had ratified the Economic and Social Covenant and a further nine had ratified the Civil and Political Covenant. While the goal was universal ratification of the Covenants, all reservations to treaties must be compatible with the treaties' objects and purposes. Countries also had an obligation to ensure that the rights laid down in the Covenants were respected and were enforced in practice.

There was a need for sufficient resources to be made available for the prompt production and publication of the summary records of the public hearings of the treaty monitoring bodies, he said. In many cases, the publication of those summary records was painfully in arrears, causing a serious impediment to those Governments who wished to take full account of the views and concerns expressed by members of a Committee when compiling supplementary information. There also seemed to be considerable room for improvement in respect of the punctuality and adequacy of the periodic reports. He supported the suggestion of the treaty body chairmen that all treaty monitoring bodies should follow the practice of listing those States whose reports were overdue and should consider adopting specific decisions identifying those whose reporting records were especially unsatisfactory.

BERNARD A.B. GOONETILLEKE (Sri Lanka) said that the recent spirit of progress on the right to development was a contrast from the past, when it was seen in the divisive context of ideological and political debates. The qualitative broadening of the concept of development should not result in a fragmented approach in achieving the right to development, an approach which

avoided the principal underlying economic obstacles. While the international community seemed to be making progress in seeing with greater clarity the goal to be achieved, it was regrettable that the right to development seemed to be progressively denied to an increasingly large segment of the world's population. As long as obstacles remained at the international level in the nature of deteriorating terms of trade, debt, protectionism, structural adjustment, trade barriers and inadequate partnership for development, the ability at the national level to ensure participation and the right to development was limited.

He went on to say that while each of the priority areas addressed by various United Nations agencies was valid, the separate achievement of those goals should not be detrimental to the full and meaningful achievement of the right to development. For example, structural adjustment policies and privatization advocated by the international financial institutions should not lead to greater impoverishment of certain segments of the population, thus impeding the goals of other agencies. A global strategy was required to implement the right to development. While the causes for human rights violations might be numerous, the result would always be the creation of vulnerable groups for whom the right to development remained unrealized.

JORGE LAGO SILVA (Cuba) said it was regrettable that in spite of many documents on the right to development approved by the international community, the United States and its allies had not shown sufficient political will to promote development in underdeveloped countries. The gap between rich and poor countries, between North and South continued to grow. The constant decline in commodity prices, along with protectionist measures, the lack of access for developing countries to international markets and other factors were some of the reasons why the developing countries remained poor. Illiteracy rates were rising, too many people lived in shanty towns, had no drinking water and did not have enough to eat.

He asked how it could be possible that the United States and its allies opposed the right to development as an inalienable part of human rights. How could it be this way when the United States had named itself as the global human rights policeman? The draconian 34-year old blockade by the United States against Cuba had as its aim the subversion of the chosen political path of the Cuban people. The United States was trying to impose its will on the people of Cuba, in flagrant violation of international law. He hoped the international community would condemn the coercive act which deprived the Cuban people of their right to development.

GILBERTO VERGNE SABOIA (Brazil), speaking on behalf of the Rio Group, said that the Rio Group and its member countries had focused on the importance of strengthening democratic institutions and perfecting the rule of law, at the same time reaffirming the importance of a renewed international dialogue on development within the United Nations. While both the Commission and the Subcommission had made efforts to implement the United Nations Declaration on the Right to Development, they had so far been relatively unsuccessful. The goal of eliminating poverty was the cornerstone to the promotion of all human rights, and especially the right to development. The Rio Group and its member

countries expressed their full support to the Copenhagen Summit and were committed to facilitating a spirit of consensus and understanding.

The implementation of the Declaration on the Right to Development was not the sole responsibility of developing countries, but a common endeavour by the international community, in support of national efforts, he went on. He welcomed in particular the suggestion to have a seminar on "extreme poverty and the denial of human rights", and reiterated the call for a special rapporteur to examine further the question of human rights and income distribution.

JACEK TYSZKO (Poland) said that the relationship between democracy, development and human rights had remained for decades as one of the most controversial conceptual issues within the international protection of human rights. The discussion on the right to development was located between pillars defined by perceiving social development and related economic aid programmes exclusively through the prism of democracy and by considering democracy and human rights as a luxury which might be a matter of concern after the status of developed society had already been achieved in a given country. Human rights and democracy were inseparable. However, they could not be achieved and maintained without joint efforts which aimed at the genuine participation of all peoples in development of civilization. Moreover, any attempt of preference for one category of rights at the expense of the other led finally to social frustration and resistance.

The international community was currently focused on ensuring respect for the already established human rights standards, he continued. In practical terms, that meant improving the implementation of human rights, increasing the means of preventing human rights violations, as well as strengthening structures responsible for United Nations human rights activities. Poland supported the rationalization of the reporting system which constituted a considerable burden especially on smaller State parties to the treaties. However, attempts to adapt the treaty system to current and future needs must not lead to any dilution of what had already been achieved.

COLIN WILLIS (Australia) affirmed that there could be no distinction in status and importance between civil and political rights on one hand and economic, social and cultural rights on the other. He suggested several steps on how the results of the Vienna World Conference could be translated into practical action, including encouraging States which had not yet done so to accede to the International Covenant on Economic, Social and Cultural Rights and to the other human rights instruments which addressed economic, social and cultural rights. He suggested ways to improve the effectiveness of the Committee on Economic, Social and Cultural Rights and proposed improving coordination between the Centre for Human Rights, the human rights treaty bodies, the United Nations specialized agencies and international financial institutions.

The work of the Working Group was very significant for the future shape and direction of the human rights system as a whole. He suggested that, in considering the establishment of the unit as proposed in the report, the

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secretariat for the World Summit for Social Development could serve as a model, with the secondment of staff from the relevant specialized agencies and development programmes. He supported the redeployment of resources from non-policy areas of the United Nations, such as the Department of Public Information, rather than diverting resources away from programmes currently undertaken by the Centre for Human Rights.

N.M. MWAUNGULU (Malawi) stated that Malawi had deposited with the United Nations its instruments of accession on 21 December 1993 to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights. The provisions of those two important Covenants would find their expression in the new Malawi Constitution currently under consideration.

Malawi had implemented structural adjustment programmes satisfactorily and its economy had experienced some improvements, although the reforms had not been sufficient to increase the income and growth potential of the majority of the population, he added. Adjustment objectives were even harder to achieve in Malawi, in the face of drought, refugees and the suspension of development assistance for a long time. The Working Group should take into account the peculiarities of small developing countries. He doubted whether annex 1 to the report of the Working Group containing the guidelines and check-list to facilitate responses from Governments and international organizations and non-governmental organizations to the note of the Secretary-General could be acted upon in good time to make it feasible to hold two meetings of the Working Group this year.

J. RHENAN-SEGURA (Costa Rica) said that so far not much had been done to reduce economic inequality in the world, and the gap between rich and poor was increasing. At least there was no longer the sterile ideological confrontation of the cold war. Now was the time to give precedence to human rights. The developed world would be asked to help reduce the crushing poverty afflicting the rest of the world. Developing countries, meanwhile, had to ensure that such aid was used actually to help people, and not to line the pockets of corrupt officials. It also was important to devote fewer resources to arms, and instead, to focus resources on humanitarian goals. Costa Rica had done away with its army 50 years ago and devoted the money to education, housing and other humanitarian work. More study was needed of the matter of sustainable development. For a world of greater solidarity, a fair world trade system should be set up.

FRANCISCO RIOFRIO (Ecuador) said that peace was not only endangered by military aggression but also by injustice and the economic crisis which should be resolved by international solidarity. The Declaration and Programme of Action agreed upon in Vienna was an important step forward in the recognition of the universality of human rights. The situation of extreme poverty afflicting the peoples of the South, in particular those of Latin America, could not be avoided. Countries with higher levels of development had to assist nations which were less developed and should work to remove obstacles

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of an international economic nature. New democracies had to be consolidated by economic and social programmes. In addition, the right to own property should be an item on the Commission's agenda.

CLAUDE HELLER (Mexico) said extreme poverty was a barrier to the human rights of millions of people. Fifty per cent of Mexico's 1994 budget had been devoted to social development programmes -- primarily health, education, and housing. Recent violence in the Mexican state of Chiapas was partly an indication that people there who lived at the most extreme poverty levels in the country were vulnerable to the influence of a violent group that spoke of overthrowing the Government. The Government was dedicated to meeting the humanitarian needs of those people. It recognized that solving the problems that caused the conflict would require major economic and humanitarian steps. A general amnesty had been proposed and negotiations were under way that should lead to peace talks. Two safe havens had been established for distribution of aid by the Red Cross. The President recently had met in Chiapas with 280 social and indigenous people's organizations who represented the entire state.

ROBERTO DE ALMEID (Angola) stated that the establishment of multiparty democracy in his country was based on respect for human rights. Respect for universal human rights had created the institutional basis for the full exercise of democracy including the right to strike, assemble and demonstrate, freedom of the press, and elections. Such human rights violations as occurred in Angola were based on the sad reality that thousands were losing their lives in a war imposed on democracy by the National Union for the Total Independence of Angola (UNITA)'s rebels. Angola called on the international community for help in establishing peace and democracy, and called on it to pressure UNITA to respect the results of democratic elections.

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United Nations

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ISRAEL WANTS PALESTINIANS TO LIVE IN FREEDOM AND PEACE, FOREIGN MINISTER SHIMON PERES TELLS COMMISSION ON HUMAN RIGHTS

Foreign Minister of Bulgaria Says Ongoing Conflict In Former Yugoslavia of Special Concern to His Region

GENEVA, 10 February (UN Information Service) -- After five wars, Israel was taking the risk of seeking peace, Shimon Peres, that country's Foreign Minister, told the Commission on Human Rights this afternoon. Negotiations with the Palestine Liberation Organization (PLO) over withdrawal of Israeli troops from the occupied Arab territories and over Palestinian self-rule there were difficult, Mr. Peres said. That was because neither Israel nor the Palestinians and their leader, Chairman Arafat, had "come from a happy destination". But when he looked at Bosnia, where the carnage continued, he said he knew that they had chosen the right path.

The Foreign Minister said he had come to Geneva directly from peace talks that morning in Cairo. The Jewish people did not want to be a dominating people, he told the Commission; they wanted the Palestinians to live their own lives in peace, independence and freedom. The aim of the negotiations was to set a precedent, and not simply to make a choice, and that was why progress was slow. Countries in the Middle East had spent close to $1 trillion for arms over the past decade -- resources taken from the mouths of children, Mr. Peres said. The armies, which amounted to a cult in some countries, had to be restrained.

Also speaking this afternoon, Stanislav Daskalov, Minister for Foreign Affairs of Bulgaria, noted that even after 50 years of progress, the Commission still faced a world filled with challenges that required urgent practical action. A sad example was the tragic situation of human rights in the territory of the former Yugoslavia, where the ongoing conflict was of special concern to Bulgaria because of the threat of extension of the hostilities to neighbouring regions; and because of the dangerous precedents being set in the Balkans for what he termed "a policy aimed at tolerating accomplished facts and ethnic cleansing". Bulgaria was, furthermore, worried about the human rights situation of the Bulgarian minority living in eastern Serbia.

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For information media—not an official record

In addition to hearing the speeches, the Commission continued its discussion of agenda items on the right to development, the status of the international conventions on human rights, and on the effective fuctioning of United Nations agencies established as called for in human rights instruments.

Speaking before the afternoon session also were representatives of Bangladesh, Italy, Chile, Pakistan, Austria, Nigeria, Greece (on behalf of the European Union), Brazil, and Finland (on behalf of the Nordic countries). In addition, statements also were made by observers from the Philippines, Holy See, Algeria, Morocco and Honduras.

Address by Foreign Minister of Bulgaria

STANISLAV DASKALOV, Minister for Foreign Affairs of Bulgaria, said that in the course of its 50 years, the Commission on Human Rights had kept alive the hope of millions of people deprived of their human rights. Today, it was necessary to consider human rights questions objectively and without a selective approach. After the 1993 World Conference on Human Rights, the most important task for all United Nations Member States was to increase significantly the effectiveness of the United Nations monitoring mechanisms, as well as that of the treaty bodies.

Despite mutual recognition between the State of Israel and the (PLO and the successful completion of the multiparty negotiating process in South Africa, the world was faced with challenges which required urgent practical actions on the part of the international community. In different parts of the world, there still were flagrant and mass violations of human rights resulting from extreme nationalism and even racial hatred, xenophobia, and ethnic and religious intolerance, the latter becoming, at times, extreme fundamentalism. An ample example was the tragic situation of human rights in the territory of the former Yugoslavia. Bulgaria was deeply concerned that, despite the continuing efforts of the international community, including two special sessions of the Commission, there was still a tragedy of unprecendented scale in the heart of Europe.

The continuing conflicts in the territory of the former Yugoslavia generated serious concern in Bulgaria for at least two reasons, he said: the threat of extension of the conflict to new regions thereof, and the dangerous precedents for the Balkans and for the existing system of maintenance of international peace and security, resulting from the policy aimed at tolerating accomplished facts and "ethnic cleansing". Ethnic cleansing was still going on in Bosnia and Herzegovina, and now it was being practised by all parties involved in the conflict. Bulgaria was particularly concerned about the situation of human rights of the Bulgarian minority living in the eastern part of Serbia and wished to draw the attention of the Commission and its Special Rapporteur, Mr. Mazowiecki, to the matter.

Bulgaria had adopted the highest standards in international protection of human rights, the Foreign Minister went on to say. In 1992, his country had become party to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Bulgaria was a party to all the major United Nations

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conventions in the field of human rights. In 1992, it withdrew its reservations to the jurisdictional clauses of a number of human rights conventions. Moreover, Bulgaria had adopted the compulsory jurisdiction of the International Court of Justice, he said in conclusion.

Address by Foreign Affairs Minister of Israel

SHIMON PERES, Minister for Foreign Affairs of Israel, told the Commission that he had arrived from continuing negotiations that morning in Cairo with representatives of the PLO. From his point of view, the aim of Israel was to stop dominating the human rights of the Palestinian people, he said. The Jewish people did not want to be a dominating people. They wanted the Palestinians to live their own lives in peace, independence and freedom.

The negotiations were an attempt to set a precedent, and not simply make a choice, and that was why progress was so difficult. One challenge, the first, in human rights, was to stay alive, both as a people and as a nation, he stated. A second human rights goal was the right of peoples and nations to be free, to have democracy. Human rights could not seriously be pursued without democracy. A third step in human rights was to enable each person, young and old, to live happily and healthily, and to express themselves without asking permission of anyone.

Those three rights came as a package in the Middle East, Mr. Peres said. In his opinion, the package could not come unless the Middle East became democratic, but peace was the first step to democracy. Israel was negotiating while terror still went on, while other countries turned their backs on Israel. Israel, none the less, was taking the risk of seeking peace; other countries took the risk of war; Israel was taking the risk of peace. The Middle East had spent close to $1 trillion for arms over the past decade -- resources taken from the mouths of children. The armies, which amounted to a cult in some countries, had to be restrained.

The negotiations were difficult because neither Israel nor the Palestinians and their leader, Chairman Arafat, had come from a "happy destination". Israel had been through five wars, and, of course, the Palestinians were suffering. But when he looked at Bosnia, where the carnage continued, Foreign Minister Peres said he knew that they had chosen the right path.

Statements Made in Debate

ANWAR HASHIM (Bangladesh) said that broadening of the human rights agenda had led to a danger of diverting attention from pressing issues to those of a less pressing nature. In spite of resource constraints, Bangladesh was making all possible efforts to fulfil its treaty obligations. However, there was a need to simplify and streamline the reporting procedure so that the States parties, especially those having resource constraints, would live up to their obligations effectively. The mechanism for coordinating the activities of various treaty bodies should be devised in consultation with the States parties and in line with the letter and spirit of the instruments.

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Promoting the effectiveness of the treaty-monitoring mechanism of the United Nations system could best be achieved if the distinctive character of the treaty bodies were maintained and the introduction of extraneous issues avoided. He had noted with surprise, however, that during the consideration of the fifth and the sixth periodic reports of Bangladesh, some members of the Committee on the Elimination of Racial Discrimination had dwelt at length on issues having no relation to the provisions of the Convention. That was hardly consistent with the spirit of cooperation displayed continually by Bangladesh. Bangladesh also had noted some attempts to broaden the scope of the Convention.

PAOLO TORELLA DI ROMAGNANO (Italy) said that further adherence to the International Covenants on Human Rights was still an issue that required the utmost attention in order to make such instruments, and thus an international bill of human rights, truly universal. There was a need for a new, integrated and not fragmented approach. Initiatives should also take into account the need to dispel misunderstandings as to the purpose of international cooperation in that domain and put a correct emphasis on the positive sides thereof. The advisory services programme should be strengthened on that basis. While there was an important and legitimate role for reservations to treaties, their number and scope should be kept to a minimum.

He confirmed his delegation's support of the draft third optional protocal to the International Covenant on Civil and Political Rights, aimed at including the right to a judicial remedy in case of deprivation of liberty and the right to a fair trial among the non-derogable rights under the Covenant. The suggestion to replace the current plurality of reports by one overall report on treaty obligations by each State party should be studied. Such a study should be conducted urgently in order to explore how far a comprehensive and global report -- by allowing States parties to more than one of the treaties to deal with all their treaty obligations jointly -- would minimize the impact of repetitious and continuous updating of certain issues coming under different treaties.

ROBERTO GARRETON (Chile) recalled that reservations to the human rights conventions exceeded those placed against other multilateral instruments. The reason for those reservations was to permit a State to be part of a treaty in spite of differences existing with its domestic law. And yet international law's very "raison d'être" was to impose on States obligations that should extend to their domestic law. Noting that a certain number of crucial rights were underogable, in other words, that no reservation could be made against them, he suggested that when a new treaty was drafted, the drafters consider an article that would allow the treaty body to ask for a consultative opinion from the International Court of Justice concerning any reservations considered to be incompatible with the objectives of the treaty.

IQBAL AKHUND (Pakistan) said that, in many parts of the world, large pockets of chronic poverty and social backwardness existed which were coming to be accepted as virtually inevitable and deserving only of charity. Unless

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that distance between rhetoric and reality were bridged, efforts to protect and promote the indivisible spectrum of human rights throughout the world would continue to produce lopsided results.

Global consultations, he continued, had emphasized that the process of development would require action at both the national and international levels. At the national level, efforts had to be made to convert the citizens into agents and vehicles of progress, not by centralized direction and dirigisme, but through increased autonomy and involvement in the provision of essential prerequisites, such as a minimum standard of living, education, health care and a clean environment. Efforts at the national level could bear fruit only within a propitious international setting and with the generous assistance of the developed countries and the international financial institutions. Perhaps, the most serious problem impinging on the right to development was the phenomenon of absolute poverty in many developing countries.

Measures were needed to protect the weaker and more vulnerable groups in developing countries from the effects of the reform during the period of transition to a market economy, he said. The need for improving the role of the global financial institutions had become pressing. The decision-making processes of those vital institutions needed to become more responsive to the needs of the developing countries. Developing countries had also been deficient in their political commitment to development. The failure of many of them to mobilize the effort and political will needed to control the growth of population, and diversion by some of them of resources to military expenditures were two specific reasons why the countries of the South Asian subcontinent, despite their large potential and human resources, had remained near the bottom of the development ladder.

MANFRED NOWAK (Austria) said that the establishment of a comprehensive human rights development programme should provide technical and financial assistance for the purpose of building or strengthening national structures for the promotion and protection of all human rights, democracy, and a pluralistic civil society. Advisory services and technical assistance should be given to national projects aimed at reforming penal establishments and strengthening the administration of justice, and at educating and training of lawyers, judges and security forces in human rights. Extreme poverty needed to be tackled as a matter of high priority in the wider context of all human rights and fundamental freedoms.

One of the major problems relating to the monitoring of economic, social and cultural rights was the lack of reliable indicators for assessing States' compliance with their international obligations, he said. There were clear indicators and a rich case-law of courts and quasi-judicial bodies that told exactly at which point the facts of a given case could be regarded as a violation of civil and political rights under international law. However, there were no similar standards and indicators pointing at a breach of a State's obligations in the field of economic, social and cultural rights. The

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time might have come to provide the Committee on Economic, Social and Cultural Rights with a clearer mandate to assess States parties' compliance with their obligations under the Covenant by means of applying appropriate indicators.

C.U. GWAM (Nigeria) decalared that the full enjoyment of economic, social, cultural, political and civil rights was not possible where development was absent. Indeed, a viable and working economic system underpinned all those rights. Although national development was the responsibility of States and their citizens, it could not take place in an unfavourable international economic environment. There was a need for effective international cooperation if those rights were to be realized.

Like many developing countries, Nigeria faced serious obstacles in its quest to provide basic human needs for its citizens, he went on. For 1993, about 52 per cent of the annual budget was allocated to debt-service obligation, thus reducing the capacity of the country to provide basic social services that were crucial to the realization of the right to development and also of the economic, social and cultural rights. The situation was compounded by the fall in oil prices, his country's major foreign exchange earner.

All international institutions should be encouraged to incorporate the 1986 Declaration on the Right to Development in their national and international activities, he stated. In that regard, the United Nations Centre on Transnational Corporations should be encouraged to give effect to suggestions for international corporate culture that would combine the desirable profit-making function of the transnational corporation with the development function. That code of conduct should maximize the beneficial contributions that foreign direct investment could make to the development of host countries.

With the collapse of the East-West rivalry, the biggest divide in the world today was extreme poverty, he said. The failure to achieve freedom from poverty and hunger showed how far the world was removed from the establishment of a just and equitable international economic order. He called for a collective fight against poverty to provide people with a life in dignity and freedom from want.

JOHN BOUCAOURIS (Greece), speaking on behalf of the European Union, recalled that the international community now faced the challenge of undertaking the practical implementation of the recommendations and commitments agreed upon at the 1993 World Conference on Human Rights, in Vienna. Democracy and development were closely dependent on the rule of law; that, in turn, must be based on a constitutional framework that defined and thus placed limits on the power of government over their citizens. Against that background, the international community faced the challenge of promoting and sustaining the rule of law and the respect for human rights. Those had to be anchored solidly in civil society and were a precondition to good governance.

The European Union had set up substantive development cooperation in human rights and democratization, he went on, both bilaterally as well as on a

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multilateral basis with the United Nations and other international organizations. The Union had, over the past years, cooperated with a growing number of countries in an effort to strengthen their electoral process. It continued to support institutional reform by offering its cooperation in the drafting of relevant legislation, by assisting freely elected Parliaments to organize their work and by providing appropriate training and other support in the field of human rights for the judiciary, public administration and police forces. The European Union supported the development of free and open media, for instance, by supporting training programmes for journalists.

With regard to the right to development, he said, the European Union had noted with satisfaction that consensus was twice reached on that important issue in 1993, first at Vienna and subsequently at the General Assembly. All people were owed the demonstration of the international community's unanimous concern for their fate and the need to promote all their human rights. Commitment to the strengthening and promotion of human rights, democracy and development, as set out in the final document of the Vienna Conference, required the common effort of the international community. The European Union looked forward to cooperating with its partners to achieve that.

ANA CANDIDA PEREZ (Brazil) said that the universal ratification of the six core of human rights treaties by the year 2000 was a goal all should strive for. Monitoring the compliance by States with obligations contracted under human rights instruments should be viewed as a means of promoting international cooperation and understanding for overcoming difficulties in the implementation of the treaties. Her Government recommended that States submit one overall report on treaty obligations they had undertaken. Futhermore, she was concerned at certain tendencies to reinterpret and broaden the mandates of the treaty bodies which, in certain cases, amounted to an undue amendment of the legal instruments and could jeopardize the mutual trust and cooperation between States and the treaty bodies.

HANNU HALINEN (Finland), speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that with the Vienna Declaration and Programme of Action, the link between human rights, democracy and development had been universally confirmed; human rights were truly interrelated. The right to developent was not an economic and social right only. True development required that individuals and groups claimed their human rights and took an active part in decision-making and development processes in their own country, in particular, women, minorities and vulnerable groups.

The lack of develoment might not be invoked, however, to justify the abridgement of internationally recognized human rights. The promotion of the right to development for all people was the responsibility of every Government, the speaker said. The further development of individual complaint procedures for certain economic and social rights, as suggested by the Vienna World Conference, warranted careful attention. Long-term, sustainable economic and social development had to rest on the foundation of democracy and

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the rule of law. In a democratic and pluralistic society, better results would often be achieved if the State allowed civil and market society to play its proper role.

Global cooperation between Governments and international organizations was essential for the implementation of the right to develoment and should be encouraged through the Commissioner for Human Rights and the Working Group on the Right to Development. The Nordic countries looked forward to a further dialogue between the Working Group and Governments and international organizations and bodies, as well as to cooperative dialogue between the Working Group and the human rights treaty bodies, for the right to development would be a useful channel to bring the human rights dimension into policies and discussions on development and development cooperation, the speaker concluded.

LILIA R. BAUTISTA (Philippines) said the greatest achievement of the past administration of her country was to lay the foundations of a return to democracy. Building on that achievement, President Ramos pursued a comprehensive process for peace and placed top priority on ensuring stable, sustainable and people-powered economic development. The two-fold objective of the main Government programme, "Philippines 2000", consisted of people empowerment and economic recovery. The comprehensive peace process was aimed at addressing the roots of internal conflict and the alleviation of poverty. In its concern for indigenous minorities, the Philippines had embraced the concept of territorial rights for those minorities and had gone as far as the creation of autonomous regions, where they were assured a say in their governance and their future.

In a nutshell, she said, Government efforts focused on the Filipino's right to development. Those efforts had started to bear fruit in terms of economic gains in 1993, reduced insurgency activities and improved industrial peace and recovery. The participation of non-governmental organizations was part and parcel of all those activities. She hoped that the efforts of the Philippines to enhance the enjoyment by its people of the right to development would find support in an international environment that provided access to the fruits of the creativity of its people and invested the necessary resources to stimulate increased levels of productivity.

PAUL F. TABET, of the Holy See, expressed concern about human rights, particularly human development which depended on social progress. He stressed the role of the human being as central to the process. The spread of the market economy, technological transformations and industrial conversion posed new social roblems which were leading to economic polarization among nations. In Africa, in particular, that polarization was very apparent, with mass poverty, unemployment and poor housing as results. The international community was aware of those costs and should find solutions. A return to social justice, where human beings were of the main concern, was being seen.

All people, and primarily young people, he said, should be allowed to realize their potential, which would help economically and socially. Regarding unemployment, new creative avenues should be discovered which might

require a change of mentality. Mass poverty should not be accepted in either less developed or more affluent countries. Participation of the poor should be considered. The Special Rapporteur on extreme poverty should ensure that poor people participated in his study.

HOCINE MEGHLAOUI (Algeria) said that right to development had been accepted by the international community in a tardy, timid fashion. Compared to the enormous progress seen in other human rights, the right to development had been laborious. Human rights were indivisible, without hierarchy. Otherwise, choices would have to be made in a realm which involved the dignity of human beings. In an increasingly interdependent world, development was subject to many forces. The external environment had deteriorated, the crushing debt burden and other factors affected social peace and political stability. States had to submit to structural adjustment programmes, but their social parameters could not be ignored. The success of democracy depended on development, and the success of development depended on democracy.

MOULAY LAHCEN ABOUTAHIR (Morocco) said it was now time for the international community to move to practical implementation of the right to development. It was time for a new partnership, time to concentrate on the roles and responsibilities of the various actors. Social and economic rights, and the right to development, went beyond the individual State; international help and attention was needed.

Restrictions on access to markets, the collapse of commodity prices, insufficient financing for development, and crushing foreign debts all hindered the achievement of the right to development, he continued. Increasing globalization of the economy threatened to marginalize countries whose economies were vulnerable, and so threatened them with still more extreme poverty and the social ills that often resulted, and weakened the cause of democracy.

GUSTAVO ADOLFO BARAHONA (Honduras) said it was time to look to a promising future for Latin America. With international peace came social peace, bringing justice and democracy with legal frameworks. All citizens were equal; they had equal opportunities and access to resources and the benefits of development. Did all countries meet the needs of their citizens? The debt situation of poor countries was the responsibilty also of the rich countries. The Human Rights Commission should be the bridge between countries and agencies to make sustainable and integral development viable. The difficult experience of structural adjustment had widened the gap between the rich and the poor in Honduras, erasing the middle class entirely.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/519
16 February 1994

UNITA HAS RIGHT TO OPPOSE GOVERNMENT POLICIES, BUT NO RIGHT TO KILL INNOCENT ANGOLANS, DEPUTY MINISTER TELLS HUMAN RIGHTS COMMISSION

(Delayed owing to technical difficulties.)

GENEVA, 11 February (UN Information Service) -- In the past 12 months, 500,000 people had been killed in a war in Angola which had been unilaterally started by the National Union for the Total Independence of Angola (UNITA) in rejection of the elections verdict, Angola's Deputy Minister for External Relations, Georges Rebelo Pinto Chikot, told the Commission on Human Rights this morning. He added that while UNITA had the right to oppose Government policies, it had no right to kill innocent Angolans who did not agree with them.

Did people who freely chose their leaders and political parties deserve that punishment, the Minister asked. Would the international community allow that political party to continue to practise genocide simply because it had lost in the elections? He stressed that in response to the war, the Angolan Government had not suppressed human rights nor declared a state of emergency. Instead, it was holding negotiations with UNITA, which was the only way to permit the development of democracy and respect for human rights in Angola.

Also this morning, the effects of investment and structural adjustment policies, poverty, indebtedness and other obstacles to the right to development were examined by speakers in the ongoing debate on the realization of economic, social and cultural rights and the right to development.

Speakers included observers from Nepal, Iraq and Senegal, and representatives of the World University Service -- speaking on behalf of two non-governmental organizations -- the International Commission of Jurists, the Women's International League for Peace and Freedom, the World Alliance of Reformed Churches, the World Federation of Trade Unions, the World Organization against Torture and the International Association of Educators for World Peace.

(more)

For information media--not an official record

Statement by Deputy Minister of External Relations of Angola

GEORGES REBELO PINTO CHIKOT, Deputy Minister of External Relations of Angola, said that the international community and, in particular, the United Nations had made considerable efforts in the democratization and peace-keeping processes, although the desired results were still very slow to come. None could remain indifferent to what was happening in Bosnia and Herzegovina, Afghanistan, Algeria, Liberia, Somalia and also in Burundi, Sudan, Congo, East Timor and in many other places.

In Angola, for example, 1993 was the most tragic since its independence in 1975. More than 500,000 people had died in the war that year, out of which 40 per cent were children below the age of ten years. Some organizations had qualified that conflict as being 10 times more violent than the one in Bosnia. The most unacceptable aspect of the conflict was that in addition to the 500,000 dead, there had been 200,000 amputees, 400,000 orphans, and 3 million displaced people. The war was unilaterally started by the UNITA as a result of the elections in which it was defeated. Was that the punishment the people deserved when they freely chose their leaders and political parties? Certainly not, he declared.

He said he did not wish to develop a culture of hatred among Angolan brothers at the moment, when a negotiable solution was being sought. However, he could not help condemning such a wicked attitude of violation of fundamental rights. The right to choose one's leaders through an electoral process without persecution or intimidation of any nature that could put one's life in danger was essential. Would the international community allow a political party to practise genocide simply because it lost an election?

The UNITA had destroyed a large part of the country's infrastructure, while not allowing the development of other political parties in the areas it militarily occupied, he went on. Eighteen political parties had participated in the elections, and only UNITA had chosen to go back to war and try to take over power by force, to go backwards to dictatorship. He called upon all those States and individuals who supported UNITA to help and encourage it to discover the virtues of democracy. The UNITA had the right to oppose Government policies, but it had no right to kill innocent Angolans who did not agree with them.

In spite of the tragic situation of war, the Government had not suppressed political rights nor declared a state of emergency, he continued. Instead, it carried out negotiations with UNITA in Addis Ababa, Abidjan and now in Lusaka. That was the only way to allow the development of democracy and respect for human rights. He recalled that the situation in Angola had become a major concern for Security Council members who had adopted various resolutions. It was very important to show UNITA that it could not go on killing people without an important reaction from the world community. In addition, the whole southern African region, which needed peace and stability in order to bring about development and respect for human rights, deserved particular attention by the Commission.

(more)

Statements by Delegations

RAM BABU DHAKAL (Nepal) said he subscribed to a holistic approach between human rights, democracy and development which ensured greater freedom and long-term prosperity for all. After the restoration of multiparty democracy in 1990, the Constitution of Nepal guaranteed fundamental freedoms and human rights to all citizens without any discrimination based on religion, race, sex, caste, tribe or ideology. Nepal ratified the International Covenants on human rights on 14 May 1991 and reiterated its commitment to the protection and promotion of human rights. Implementation of human rights standards should respect basic tenets of societies.

Priority should be given to identifying practical strategies for the promotion of human rights contained in the Covenants, paying particular attention to the most vulnerable and disadvantaged, he continued. Monitoring and reporting on the progressive realization of human rights at the national level were the obligation of States parties. However, the Centre for Human Rights should provide technical assistance and advisory services upon the request of the States.

MOHAMMAD A. HUSSAIN (Iraq) said that the right to development was inalienable and affirmed the interdependence of all human rights. In the twentieth century, the world was more interdependent because problems of countries could not be solved in isolation, particularly the right to development and the obstacles to that right. He stressed the blockade of Iraq by the Security Council as a violation of the Charter and of human rights. The Security Council's behaviour towards Iraq, such as depriving it of food and medicine, was due to the political pressure of influential States in the Security Council. The effects of economic sanctions should also be considered, because their consequences were more serious than those of structural adjustment. The embargo on Iraq affected every aspect of life, from freezing assets to preventing oil sales. Women, children and the elderly had been particularly affected.

Iraq's right to depend on its national resources was being violated, making it unable to provide its people food and medicine. Sanctions hindered and restricted Iraq unfairly. Was it possible that the United Nations system was violating fundamental human rights indirectly and directly, he asked. The international community should assume its responsibility to relieve the suffering in the name of humanitarian law.

IBRA DEGUENE KA (Senegal) said development was not a battle that some should win to the detriment of others. It meant meeting the interests of all, which sometimes ran against the wishes of individual States. It meant developed States must sometimes curb policies which ran against the interests of developing countries. It was time to overcome the selfishness which could still defeat progress towards universal human rights. A clear definition of the right to development was needed. The concept also had to be publicized; many international institutions and agencies still seemed not to have heard of it. Senegal proposed the drawing up of a series of guidelines to be distributed to such agencies, with periodic updates on how they had responded.

The creation of a body to follow up on the Declaration of the Right to Development might also be a good idea.

FREDERIEK DE VLAMING, of the World University Service, speaking also on behalf of the International Organization for the Development of Freedom of Education and the American Association for the Advancement of Science, said that international economic measures played a role with respect to the realization of economic, social and cultural rights. However, the interdependence between those measures and failure to respect international instruments were extremely complicated and should not be taken for granted as that would easily obscure Governments' responsibilities. In order to describe and deal with the factors that obstructed the realization of economic, social and cultural rights, it was necessary to analyse each and every right in that category individually. If not, terminology would remain vague and superficial, and action would never touch ground. To do that, the Commission should make use of existing mechanisms within the United Nations system.

The link between the realization of economic, social and cultural rights and structural adjustment programmes had been studied by United Nations agencies in such areas as education and health, he went on. It should take concrete steps to work together with the other United Nations bodies involved. Substantial assistance from the Subcommission on Prevention of Discrimination and Protection of Minorities was needed to help formulate indicators for monitoring economic, social and cultural rights. Without conceptually sound indicators, human rights bodies would never be able really to measure the progressive realization of that category of rights.

NADINE ADE, of the African Association of Education for Development, said that in the old days, there had been a war of models and concepts regarding the question of the right to development. A Zairean professor had said that development was a complex process, ongoing, collective. It was a perfectable state. In Africa, development was a political act arising from conscious concerted action to create a new society. It could not be imposed from outside. The African continent was underdeveloped because it had never been able to pursue its own development. How could a country develop without control over its own currency, sne asked. The recent devaluation of the CFA franc had happened as a result of a decision by non-African actors, namely, France and International Monetary Fund (IMF). Africa, a continent of 30 million square kilometres, could make its own decisions.

ADAMA DIENG, of the International Commission of Jurists, stated that in several countries of the developing world, free and fair elections, democracy and good governance were stressed as the essential prerequisites of the "new world order". In those fledgling democracies, what the ordinary people yearned for was the realization of their economic, social and cultural rights, in addition to the respect of their civil and political rights. The harsh reality, however, was that large sections of the third world population lived in absolute poverty, as did many people in the industrialized countries. The Commission should consider violations of economic, social and cultural rights in much the same way as it considered civil and political rights. In future, the Commission should develop a category of "gross violation of economic,

social and cultural rights". The actual impact of structural adjustment programmes on the realization of economic, social and cultural rights warranted careful study.

A major hindrance to the enforcement of rights was that they were not justiciable, he stated. The Commission should urge the Subcommission to conduct a study on the justiciability of economic, social and cultural rights, looking at recent jurisprudence emanating from the constitutional court of Benin and Senegal. He expressed regret that several Governments and non-governmental organizations had not extended their cooperation to the Working Group, particularly in terms of furnishing it with information. There would be a true right to development only when all human rights, all fundamental freedoms, were fully realized.

JANET BRUIN, of the Women's International League for Peace and Freedom, said that a great deal of evidence documented the systematic nature of violations of human rights resulting from the policies of the Bretton Woods institutions and the practices of transnational banks and corporations. Their policies had generated mounting unemployment, cutbacks in real wages, poverty, hunger, and cuts in health, education, housing and social services. In addition to direct human rights violations, those policies and practices had adverse effects on the environment, development, national sovereignty, national and international peace and security.

A full investigation should be undertaken by the Commission, she went on, including on the question of effective remedies, compensation for the victims and the need for change in macroeconomic policy in order to ensure that the violations did not continue. The Commission should study the implications of those issues on the right to work and on the right of workers to just and favourable remuneration. The League further called on the Commission to establish a working group to examine investment policies and their impact on human rights.

ALVARO O. SENTURIAS, of the World Alliance of Reformed Churches, said that many third world countries suffered from the consequences of foreign debt. In the Philippines, debt payments took precedence over the basic rights of the people. Between 1986 and 1991, the Philippines had paid its creditors $7.8 billion more than it received in new loans, so that it even had to borrow pesos to buy dollars to service the foreign debt. It was no wonder that 55 per cent of the population lived below the poverty line. The Government could not provide potable water for many villages in the Philippines, as well as to urban areas like Metro Manila. His own sister had died of cholera. One of the major causes of the crushing debt burden had been the World Bank and the IMF emphasis upon the same export-oriented, debt-dependent, import-liberalizing policies that had created the debts in the first place.

DANIEL RETUREAU, of the World Federation of Trade Unions, said structural adjustment policies placed the burden of paying off foreign debt on those who could least afford it and who had received the least benefit from foreign loans to begin with. In many countries, structural adjustment had led to the sale of public companies to private interests, often at bargain prices, with

effects that hurt not only the poor but even the middle class. Declines in health-care coverage were one example. Unions were regularly denounced under structural adjustment; unions sought to protect jobs and protect living standards, whereas free-market international economics sought to cut living standards and ship jobs to other countries, often where there were abuses of labour rights and child labour. Social aspects of development were simply ignored. It was time to respect social, economic, and cultural rights.

ERIC SOTTAS, of the World Organization against Torture, expressed concern over social-economic disequilibrium. Human rights and economic growth contributed to development. Some countries had made policies that made the labour market more flexible, leading to a dangerous situation. The policies of international financial institutions should be subjected to impact studies. The consequences of policies on living conditions should be looked at, because low-income people were the ones most affected. Because family structure had not withstood the social tragedy, street ghetto societies were developing. That was seen as a threat in some urban centres, which countered, in some cases, with extreme measures such as death squads. The number of street children had been estimated at nearly 8 million. Broad-based social programmes were needed.

RENE DEMONT, of the International Association of Educators for World Peace, said that development endeavours should involve the people of the future, that was, the children. The only system which could assure development was a partnership on global projects. They had to be attentive to developments such as tourism, which had tragic consequences for ancient cultures. The environment, which was modified with development, had to be protected by training ecological experts in the countries concerned as quickly as possible. While acting on the rate of population increase, a policy of self-sufficiency in food implied that a country would renounce giving priority to agricultural products intended for export, that it would abstain from importing low-cost cereals from rich countries, and that it would undertake substantial agricultural reforms, including paying farmers realistic prices for their crops.

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United Nations

Press Release

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EDUCATION COULD BE KEY TO FIGHTING DISCRIMINATION, RAPPORTEUR ON RELIGIOUS INTOLERANCE TELLS HUMAN RIGHTS COMMISSION

Commission Also Considers Minority Rights, Right to Development

(Delayed owing to technical difficulties.)

GENEVA, 11 February (UN Information Service) -- The Special Rapporteur on Religious Intolerance said this afternoon that education could be the key to combating discrimination. He called for creation of an international school-level strategy to combat intolerance, so it might no longer merely be managed but cut off at the root. He told the Commission on Human Rights that all peoples needed protection from religious intolerance and extremism, which was an insult to human intelligence and to the wisdom of God.

The representative of the United States said that America would always bear the shame of its near-extermination of Native American populations in North America. The representative of Finland, speaking for the Nordic countries, said that as a result of the transition in Europe, a number of minority problems had become acute. He expressed particular concern at the lack of protection of the human rights of such minorities as the Roma.

The following non-governmental organizations spoke on economic, social and cultural rights and the right to development: the Minority Rights Group; Habitat International Coalition; the Inter-Parliamentary Union; Christian Democratic International; the Commission for the Defence of Human Rights in Central America; the International Association against Torture; the International Movement for Fraternal Union Among Races and Peoples; the International Indian Treaty Council; and the International Work Group for Indigenous Affairs.

Statements on minority rights and religious intolerance were made by the representatives of the United States, China and Finland (for the Nordic countries). The representatives of the Philippines, Nicaragua, India and Iraq spoke in exercise of the right of reply.

(more)

For information media--not an official record

Reports Before the Commission

The Commission had before it a report by the Special Rapporteur on the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (E/CN.4/1993/62). It states that alleged infringements of the rights contained in the Declaration persist in most regions of the world, and that acts of religious intolerance and discrimination were marked by the threat or use of violence. States should monitor the climate which might engender violation of those rights and should establish constitutional and legal guarantees to protect them. Governments should be more energetic in introducing effective administrative and judicial remedies for victims of religious intolerance and discrimination.

A letter from the Permanent Representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) (document E/CN.4/1994/105) describes "crimes" and similar events which had been reported to the Special Rapporteur. Those events directly affected the status of orthodoxy and of the entire Serbian people in war-afflicted areas. The totally unprovoked assaults on the Serbs and their property were the overture to the current war. The Serb resistance was only a necessary exercise of self-defence, the letter states.

The Commission also had before it a report of the Special Rapporteur on religious intolerance and discrimination (document E/CN.4/1994/79). In another text (document E/CN.4/1994/80), the Secretary-General reports on implementation of Commission resolution 1993/25, which concerns enhancing the United Nations promotional and public information activities regarding freedom of religion.

A report by the Secretary-General on the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (document E/CN.4/1994/62) states that, as at 1 December 1993, the Convention had been ratified by Morocco, acceded to by Egypt, and signed by Chile, Mexico and the Philippines.

On the question of minority rights, another report by the Secretary-General (document E/CN.4/1994/72) contains replies received from Governments and other bodies concerning the programme of advisory services and technical assistance of the Centre for Human Rights and related matters. As of 1 December 1993, replies had been received from Austria, Benin, Chad, China, Finland, Germany, Greece, Hungary, Jordan, Norway, Romania, Ukraine and Yugoslavia, as well as from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and 21 non-governmental organizations.

A letter from the Chargé d'Affaires of the Russian Federation (document E/CN.4/1994/107) addresses the human rights of the Russian-speaking population in Latvia. It expresses particular concern at Latvia's new law on local governing bodies, "which is of a discriminatory character on a purely ethnic basis with respect to several hundred thousand Russian-speaking people". That law was another evidence of aggressive nationalism, which threatened Latvia with social tension and possible confrontation with its neighbours. In such a

serious situation preventive diplomacy must be used more actively, the letter states.

A note verbale from the Permanent Representative of the Federal Republic of Yugoslavia (E/CN.4/1994/92) contains information concerning the Serb and Montenegrin minority in Albania.

Statements

ANNE BOUVIER, of the Minority Rights Group, said that 25 years of research had shown that land was among the foremost problem areas faced by minorities and indigenous peoples in different parts of the world. Many violent conflicts concerned the lack of control and ownership of land by minorities. In Latin America and parts of Asia, there had been a steady trend towards greater rural landlessness. Economic destitution had forced many people to move into shanty towns, while land was often concentrated in the hands of a few people or large companies

She urged the Government of the Philippines to recognize the ancestral domain of the indigenous communities, on a de facto as well as a de jure basis. It should consult with all communities in its development policies. In Latin America, indigenous peasants generally derived few benefits from land-reform programmes. In Mexico, where the concept of communal land had long been denied by successive Governments, there had been an upsurge in January of the Zapatist army in Chiapas. She welcomed the way in which the Mexican Government was responding to the longstanding demands of the Chiapas.

MILOON KOTHARI, of Habitat International Coalition, said that people and communities were often forcibly evicted without prior warning, negotiation, compensation or provision of alternative housing -- often without showing clear cause or reasonable justification. Those affected had no legal recourse and did not qualify for refugee status and the associated rights. Millions of India's citizens in urban and rural areas lived under the threat of eviction. In Brazil, Rio de Janiero was fast becoming the most segregated city in Latin America. The poor there were being systematically evicted from the coastal areas and pushed to parts of the city that were far from livelihood opportunities. In Mexico, persistent violation of the rights of indigenous peoples had led to insurgency.

He said that Rajindar Sachar, the Special Rapporteur on promoting the realization of the right to adequate housing should submit a detailed and practical report on steps that might be taken to address the practice of forced evictions. There also was an urgent need to establish a monitoring mechanism to assess the policies and activities of international financial institutions, as well as their role in shaping development policies around the world.

PIERRE CORNILLON, of the Inter-Parliamentary Union, said that, traditionally, it was only after a country's executives had signed an international treaty that its parliament came into play. However, it was important to involve parliaments in the negotiations. Following ratification,

national legislation had to be examined and brought into line with human rights treaties. National agencies should be set up for that purpose. Parliamentary human rights institutions might also keep track of governmental compliance with international treaties and covenants.

CECILIA SLESZYNSKA, of Christian Democratic International, said development was a collective phenomenon and was not a national right, except where it resulted in appropriate standards of living. The right to development was not possible in countries under war, anarchy, repressive regimes or embargos. Why had sanctions been imposed on Haiti and not on other nations where democracy was threatened? Embargoes hampered democratization. Development called for adjustments in international trade and for such reforms as a reduction in weapons expenditures. She expressed support for the holding of the 1995 Social Summit, as well as a desire to contribute to preparations for it.

VILMA NUNEZ DE ESCORCIA, of the Commission for the Defense of Human Rights in Central America, said that region was characterized by deepening poverty. Of 30 million people, 20 million lived in poverty and 14 million in extreme poverty -- a situation that was exacerbated by structural adjustment policies. Such public services as electricity and water were increasingly being privatized. It was getting to the point where human rights themselves were being privatized, and were only available to those who could afford them. Children, indigenous peoples and women suffered the most. The leadership of the World Bank and International Monetary Fund (IMF) must be restructured so they would no longer represent the developed world to the detriment of poorer countries. In addition, the United States blockade of Cuba must be ended.

ROGER WAREHAM, of the International Association Against Torture, cited the role played by racism and discrimination in denying indigenous peoples' right to development. For the indigenous people of Guatemala, the first step towards realizing that right would be restoration of their civil, political, economic, social and cultural rights. People of colour in the United States, particularly its population of African descent, faced de facto discrimination in all areas of the world's most highly developed capitalist economy. Unless mechanisms were created to effectively monitor and enforce the observance of economic, social and cultural rights in the domestic and foreign policies of the so-called developed world, no progress would be made in realizing the right to development on the collective and individual levels.

C.M. EYA-NCHAMA, of the International Movement for Fraternal Union among Races and Peoples, said it was internationally agreed that human rights and freedoms were the common heritage of all people and that Governments must protect them. In fulfilling that responsibility, there should be no reservations. If a State made reservations when acceding to a human rights instrument, it should clearly explain them, so the international community might continue a dialogue with that State on the matter. He expressed concern about the human rights situation in the former Soviet Republics.

(more)

ALBERTO SALDAMANDO, of the International Indian Treaty Council, said that throughout the Americas, indigenous peoples suffered every conceivable impediment to the right to development. Their desperate economic condition was a direct result of the systematic, centuries-old theft of their lands, destruction of their cultures and religion, and continuing genocidal policies and practices. Throughout the Americas, the Pacific islands and elsewhere, the theft of indigenous lands continued unabated.

Human rights were being violated extensively in Ecuador, Brazil, Venezuela and Guatemala, he said. Many indigenous nations were unable to control the resources necessary to implement development policies. In the United States, for example, Indian peoples in reservations, rural communities and cities, were condemned to the lowest economic strata. The Working Group should consider the environmental dimension of development, emphasizing the responsiblity that all had to Mother Earth, as well as to coming generations.

MIKE FORSTER, of the International Work Group on Indigenous Affairs, said human rights and fundamental freedoms were cherished and promoted throughout the world as the shining star of Bethlehem for future generations. However, they were being used by the Government of Papua New Guinea as a weapon against the people of Bougainville. They were being deprived of their economic, cultural, social, political and civil rights and lacked medicine, clothing and all services. Nevertheless, they would not surrender their inalienable human right to self-determination.

Amnesty International had this year reported direct violations of individual human rights, involving torture, rape, denial of freedoms and executions, he said. Despite resolutions by the Commission and its Subcommission, the situation of the population in Bougainville had continued to decline. The situation there required one United Nations peacemaker for one year. The Commission should request that the Secretary-General appoint such a special envoy to begin immediate dialogue with the Papua New Guinean Government and other involved parties.

Statement by Special Rapporteur on Religious Intolerance

ABDELFATTAH AMOR, Special Rapporteur on Religious Intolerance, introduced his eighth report. He said he had examined incidents and governmental decisions that seemed to be incompatible with the 1981 Declaration on Religious Intolerance or with international norms. That had been done in 27 States and in the former Yugoslavia. Important progress could be seen in certain countries, including such Eastern European States as Albania and Bulgaria. However, intolerance continued in some States, and certain States had shown hostility regarding the 1981 Declaration.

Determination, patience, openness and understanding were needed, he said. Above all, dialogue was vital. To create a framework for the promotion of religious liberty, it was crucial to promote human rights, which included democracy and development. The causes and effects of all types of religious extremism should be studied in depth and without selectivity, in order to create a basis of rules and principles concerning that phenomenon. Education

could be vital in combating discrimination and intolerance, with special attention being paid to schoolbooks and programmes.

Intolerance and discrimination should not merely be limited and managed but should be prevented and cut off at the root, he said. There was a need for urgent, rational planning, better resources and an emphasis on action over reaction and prevention over cure. In that manner, all people could be protected from the Damocles sword of religious extremism, which was an insult to intelligence and to the wisdom of God.

HERMAN SCHWARTZ (United States) said that in many countries, democracy, development and respect for human rights risked being dashed by the spread of hatred and resentment among the different national, ethnic, religious and linguistic minorities. America would always bear the shame of its near extermination of the Native American populations of North America. In addition, Asian Americans, Jews, Catholics, Hispanics and other minorities had been faced with prejudice and discrimination. However, the Fourteenth Amendment to the Constitution and the civil rights laws barred any kind of discrimination, and new laws were passed to enforce that ban.

He said the Commission should encourage the High Commissioner for Human Rights to devote careful attention to minority issues, in close cooperation with the Human Rights Centre. A service, composed of experienced professional mediators, could be established to mediate disputes on request. Such a body could also train area residents in mediation skills. The High Commissioner should establish close working relationships with the various regional bodies and non-governmental organizations.

Mr. CHOEGYAL (China) said that despite the international effort to promote harmony among different nationalities, acute differences among different nationalities or ethnic groups persisted in some regions. Confrontation and armed conflicts had been escalating, resulting in considerable loss of life and property. The Commission should take effective steps to address that problem.

In China, all nationalities enjoyed equal status and rights, irrespective of differences in their size, social and economic development, customs and practices, he said. The Government had always carefully protected the rights and interests of minority nationalities and had stressed the importance of providing them with necessary financial, human and material assistance. Organs of self-government had been established to administer local affairs and internal affairs where minority populations were concentrated.

HANNU HALINEN (Finland), speaking on behalf of the Nordic countries, said that problems relating to minorities persisted throughout the world. However, as a result of the transition in Europe, a number of such problems had become acute. The Nordic countries were concerned at the lack of protection of the human rights of many minorities, including the Roma. The Nordic countries welcomed the report by Asbjorn Eide, Special Rapporteur, to the Subcommission on Prevention of Discrimination and Protection of Minorities. Its recommendations should be implemented by the relevant United Nations bodies.

He stressed the importance of implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Unfortunately, the Vienna Plan of Action did not fully reflect the principles of the Declaration. The Nordic countries were participating in the drafting of a framework convention on the protection of minorities, as well as a protocol completing the European Convention on Human Rights. The Conference on Security and Cooperation in Europe (CSCE) had adopted the most comprehensive provisions on national minorities.

Right of Reply

JAIME YAMBAO (Philippines), replying to a statement by the World Alliance of Reformed Churches, said his country would address the allegation on forced evictions in detail in its report to the Committee on Economic, Social and Cultural Rights. Evictions and demolitions were resorted to only in cases where on-site security of tenure was not possible. That happened, for example, when dwellings were located in danger areas like railroad tracks, where government infrastructure projects were about to be implemented, or where there was a court order. As to the allegations concerning the debt problem, he said the burden of debt-servicing had not prevented the Government from addressing the problems of poverty, growth and development.

NORMAN MIRANDA CASTILLO (Nicaragua) said a non-governmental organization had stated that his country had prevented its citizens from enjoying development, as a result of its liberalization policies. Nicaragua had changed Governments and had created projects to improve its society. The economy had been liberalized and stabilized, and structural adjustment policies had been implemented. In the past, conventional economic parameters had been very extreme, including the higest inflation rate in the world. The debt burden was also among the highest in the world.

Nicaragua's policy of structural adjustment was a necessary corrective therapy, he said. In its concern for vulnerable sectors of the population, the Government was carrying out special programmes to help those who were negatively affected by that policy. The remarks by the non-governmental organization had been unfounded, unilateral and biased.

NAVTEJ SARNA (India) said a non-governmental organization had alleged violations relating to the Narmada River project in western India. However, that project would provide economic, health and environmental benefits that would far outweigh any negative impact. Great attention had been paid to the resettlement of persons displaced by the project and their human rights were a matter of great concern. Many considered that the steps taken by his Government on their behalf went far beyond what was required.

BASIL YOUSIF (Iraq) said the United States continued to have a hostile attitude towards his country and did not miss an opportunity to criticize Iraq and its treatment of the Kurds -- even while ignoring the treatment of the Kurds by neighbouring countries. Iraq was the only country in the region that had granted autonomy to the Kurds. The United States had occupied Kurdish territory during its war against Iraq. Meanwhile, it continued its cruel blockade of the entire country, a blockade based on ideological factors. The United States actually intended to jeopardize peace by invoking the names of minorities.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/521
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PERUVIAN JUSTICE MINISTER ADDRESSES HUMAN RIGHTS COMMISSION

Eleven Non-Governmental Organizations Discuss Rights of Migrant Workers, Minorities

GENEVA, 14 February (UN Information Service) -- Fernando Vega Santa Gadea, Minister of Justice of Peru, said this morning that although 95 per cent of the terrorist group Sendero Luminoso were in jail, Peru could not drop its guard too quickly. The Government would not rest until there were no terrorists at all threatening the lives of the Peruvian people.

Addressing the Commission on Human Rights, he said abuses of power by law-enforcement officials were being punished where necessary, in order to help ensure respect for human rights. That was part of the process of democracy and peace which had ended a 12-year paralysis of the justice system. That paralysis had been the result of terrorism, which left 25,000 dead and caused an estimated loss of $21 billion.

Also this morning, several non-governmental organizations called on the Commission to establish a working group on minority issues, as recommended by Asbjorn Eide, expert of the Subcommission on Prevention of Discrimination and Protection of Minorities. The Commission was also asked to condemn the violation by religious extremists of the Universal Declaration on Human Rights.

Statements were made by the representative of Austria and the observer for Turkey.

The following non-governmental organizations also spoke: the World Organization against Torture; the World Jewish Congress; the International Federation of Human Rights and the Viet Nam Committee on the Defense of Human Rights; the International Association for the Defense of Religious Liberty; the Baha'i International Community; the Minority Rights Group; Pax Romana; the International Federation Terre des Hommes; the Commission of the Churches on International Affairs of the World Council of Churches; Centre Europe-Tiers Monde; and the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities.

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Statement by Minister of Justice of Peru

FERNANDO VEGA SANTA GADEA, Minister of Justice of Peru, said that his country's programme of democracy and economic improvement was progressing. It had prevented civil war and brought peace and hope to the people after 12 years of economic crisis and violence. The country's new Constitution enshrined and protected the fundamental rights of all citizens. The establishment of an Ombudsman and an office for information on detainees further promoted human rights. Most non-governmental organizations had recognized an improvement in the numbers of cases of disappearances and human rights violations, owing to the Government's efforts.

Although it had been suggested that the emergency powers of the anti-terrorist law could allow arbitrary detention and judicial error, the Government did not accept that position, he said. Tangible progress had been recognized by impartial observers in the Government's handling of the terrorist group, Sendero Luminoso. However, although 95 per cent of the terrorists were in jail and the country's press was free, the 25,000 people killed by the terrorists could not be forgotten.

Until April 1992, terrorism had paralysed the judicial process in Peru and promoted the corruption of officials, he said. Its social cost had been estimated at $21 billion. The Government had now modified aspects of its anti-terrorism law and was considering revising the sentences of those jailed by military courts. However, Peru could not drop its guard too quickly; the Government would not rest until the Peruvian people were no longer threatened by terrorists.

Prisons were being renovated, he said. By 1995, a prison structure would be created which would be among the best on the continent. For the first time in a decade, prison abuses had been reduced and abuse of power by law-enforcement officials was being severely punished. He called on the Commission to condemn terrorism in all its forms. Peru was a multi-ethnic country. The phenomenon of international displacement was still a problem which affected 120,000 families. Although the Government had created a body to address the matter, there was an urgent need for international assistance for internationally displaced persons in Peru. He called for the creation of a multi-agency strategy to deal with the problem.

Statements

SINA BAYDUR (Turkey) said receiving Governments must recognize that migrant workers were no longer migrants but residents, and must review policies which assumed that they were transient communities. Having been excluded from the mainstream of society, resident workers had become the main target of resurgent racism and cultural relativism in Western Europe. They must be protected and integrated into the societies of the receiving countries. Denial of equal employment, education, housing and political opportunities resulted in creation of an ethnic underclass. Receiving

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Governments should aim at integrating resident workers into society, rather than assimilating them. The Commission should adopt a resolution on the root causes of the problem, which could provide guidelines for governmental action.

IAN SEIDERMAN, of the World Organization Against Torture, urged the Commission to establish a working group on minority issues. The Commission should expand the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It should develop a Convention or other treaty mechanism to enhance the Declaration's juridical import.

The suffering in the former Yugoslavia underscored the urgent need for progress in dealing with minority rights issues, he said. The Government of India had belied its contention that the people of Jammu and Kashmir were Indian nationals through its brutal treatment of that population. In Tibet, the Chinese Government continued to suppress traditional cultural and religious practices, while Iraq continued its relentless persecution of its minorities. Minority rights problems also existed in the Sudan, Mexico and such western European countries as France and Germany. Disgracefully, in the United States there was a tremendous disparity in application of the death penalty to African-Americans as compared to the majority white population.

MORRIS B. ABRAM, of the World Jewish Congress, said religious extremism in connection with political movements had become a serious issue. The trend towards "parties of God" was a threat to human rights. He took issue with religious sentiments which sought to impose a monopoly of belief on the whole of society, along with a political monopoly derived from those beliefs. Religious extremists who sought to impose their beliefs by force or law were enemies of civilization. They sought to freeze thought, throttle progress and gain power through intimidation and terror. The Commission must reaffirm articles 18 and 21 of the Universal Declaration and unequivocally condemn in the violation of those principles by today's religious extremists.

VO VAN AI, of the International Federation of Human Rights and the Viet Nam Committee on the Defense of Human Rights, expressed concern at the persistent repression, intolerance and discrimination against the Buddhist Church of Viet Nam. The trial of 15 November 1993 violated the principle of protection for all people under detention or imprisonment. The Buddhist that set fire to himself gave his life for the Unified Church of Viet Nam, and his family had been threatened. Contrary to information given to the Special Rapporteur, Thich Huyen Quang had been held in isolation and was not allowed to see a doctor, despite being in ill health. Even though religious freedom was recognized, a document of 4 December 1993 imposed on local authorities strict policies which limited freedom of religious expression.

GIANFRANCO ROSSI, of the International Association for the Defense of Religious Liberty, said intolerance was spreading throughout the world. Many people refused to accept the principle that society must be pluralistic. They tried to establish States based on one religion, by which people's lives would be ruled. That was the error made by Muslim, Hindu and Christian fundamentalists. Religious extremism led to the absurdity of killing in the

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name of God. The Commission should consider enacting an international convention on freedom of thought and religion, supported by an agency made up of specialists who could face up to extremism.

DIANE ALA'I, of the Baha'i International Community, said there was considerable historical evidence that diverse religious communities could live together in a spirit of cordiality -- including some of those which were now committing violence against each another. Unlike in previous years, the situation of the Baha'is in Iran did not appear in the current report on religious intolerance. The reason given was that the Government of Iran had not responded to the Special Rapporteur in time, having been given insufficient time themselves. However, the Community had submitted information on the situation of the Baha'is in Iran last August.

The responsibility for ensuring equal rights for minorities fell on both majorities and minorities, she said. If the immense human rights efforts of the United Nations and of Governments was to bear fruit, the combined force of political, legal, spiritual and moral influences had to be employed. The Baha'i community included people from all racial, national and political backgrounds, who were united in action to attain realization of the oneness of humankind.

ALAN PHILIPS, of the Minority Rights Group, said the Group had researched, analysed and published over 200 reports on different inter-group conflicts over the past 25 years. Much could be done within the United Nations system to address the problem, and a number of United Nations agencies had begun a dialogue with non-governmental organizations in an effort to be more effective in addressing minority issues. The Commission should urge its Subcommission to allocate a significant part of its discussion to minority issues and seek new ways of opening a dialogue with minority communities. A working group should be established to promote implementation of the United Nations Declaration on Minorities; examine models of good practice; and promote early action, including bridge-building across communities.

LUONG THI NGA, of Pax Romana, said that since August 1992, his organization had three times drawn attention to serious human rights violations being committed by Viet Nam, particularly against its minorities. South Vietnamese war invalids, widows and children, had been forcibly deported to gulags, while their homes and orthopedic implements had been confiscated. Private humanitarian assistance from abroad had been stolen and young girls had been subjected to sexual exploitation. Discrimination against Buddhists included the torture to death of Buddhist priests. All public and private religious holidays had been prohibited and places of worship debased. Members of the Caodaique Church and Catholics also were persecuted and the situation was growing worse. It was time to put an end to it.

EYLAH KADJAR-HAMOUDA, of the International Federation Terre des Hommes, said the Federal Government in Brazil had been exploiting the natural resources in indigenous territories. Its economic partners were in a position to take over indigenous lands, leading to massacres against indigenous people, including children. The perpetrators of the massacres, including those

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against the Ticuna and Yanomamis, had not yet been punished. Such violence was also occurring in lands already subject to demarcation. The Commission should urge the Government to respect the 1988 Constitution, ensure fair trials in the cases of massacres, ensure police respect for the rights of indigenous peoples, and prevent the return of the gold prospectors in the middle region of the Rio Negro.

PATRICK TARAN, of the Commission of the Churches on International Affairs of the World Council of Churches, stressed the importance of protecting migrants. The final statement of the World Conference on Population and Development should fully recognize that migration was a consequence of population and development problems. Unless the basic human rights of migrants were fully protected, a worse climate of xenophobic violence would develop.

He said that action, rather than only words, was needed to promote respect for the basic rights of one of the vulnerable groups in so many countries. The Commission should strongly urge States to ratify the Migrants' Rights Convention. Sufficient resources must be allocated for wide distribution of the text of the Convention and the planned Fact Sheet. The Centre for Human Rights, in cooperation with interested Governments, should organize briefing seminars on the Convention in different regions, in order to assist Government officials and legislators who were considering ratification of that instrument.

MALIK OZDEN, of Centre Europe-Tiers Monde, said that slavery and servitude was even occurring in Geneva in a number of embassies and consulates. International labour standards were being flouted in the very home of the International Labour Organisation (ILO). Such slavery took the form of low wages, no holidays, no insurance, and no social security or other benefits. Mistreatment, long hours and lack of dignity were also common. He cited various diplomatic organizations which, he said, were guilty of the practice of slavery. He said the Commission should act immediately to end such scandals and called for the establishment of a commission of inquiry.

ROELAND BOS, of the International Federation for the Protection of Ethnic, Religious, Linguistic and Other Minorities, called for creation of a working group or similar body to address the question of minority rights, even though a number of Governments would prefer that the whole issue would disappear. The Government of Albania was taking measures to remedy problems experienced by its Greek minority. However, in The former Yugoslav Republic of Macedonia, there seemed to be less willingness among Macedonians to recognize and address problems faced by Albanians there. The international community should monitor the situation carefully. He also drew attention to the disturbing situations in Abkhazia and Bougainville.

CHRISTIAN STROHAL (Austria) said that contemporary conflicts bore the mark of unresolved minority problems. However, the question of minority protection had received renewed attention in European forums. Within the framework of the Central European Initiative, work was under way to draft an instrument for the protection of minorities. The Conference on Security and

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Cooperation in Europe (CSCE) had paid particular attention to the importance of early warning and preventive measures. In Austria, the establishment of Ethnic Advisory Councils had helped create a positive atmosphere for protecting the identity and flourishing of ethnic groups.

The study by Asbjorn Eide on possible means to help solve minority problems deserved the Commission's full attention. He recommended a three-fold approach, which would include debate and proposals by the Commission, a comprehensive advisory services programme, and the generation of domestic measures by respective Governments. Such an approach would not only ensure for the mandate given by the World Conference on Human Rights but would also contribute to a better human rights culture.

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RIGHTS OF MINORITIES AND OF MIGRANT WORKERS FOCUS OF EXTENDED HUMAN RIGHTS COMMISSION MEETING

GENEVA, 14 February (UN Information Service) -- Speakers in the Commission on Human Rights, in an extended meeting this afternoon and evening, addressed the question of the rights of migrant workers. And a number of statements were made by representatives of Governments and non-governmental organizations on the rights of persons belonging to national or ethnic, religious, or linguistic minorities.

The situation of religious minorities around the world drew considerable comment. Remarks ranged from those of the representative of the Holy See, who said that claims that religion itself was a source of intolerance were untrue, since intolerance was in conflict with religion's very essence, to a statement by China that while the country valued and supported its religious minorities, in recent years a number of religious believers had been penalized through criminal law or administrative regulations because they had engaged in activities that caused physical or mental harm to others or had impeded the operation of the country's educational system.

India and Pakistan each spoke on the situation in Kashmir, while the Russian Federation, Latvia and Estonia stressed the subject of national minorities. Russia claimed that ethnic Russians experienced discrimination in the Baltic Republics, and the two other countries denied it. In all, excluding rights of reply, 28 speakers addressed the Commission.

Representatives of the following member countries made statements: Poland, Indonesia, China, Italy, Russian Federation, Nigeria, India, Sri Lanka, Romania, Hungary, Bulgaria and Pakistan.

Representatives of the following observer States spoke: Ukraine, Holy See, Albania, Latvia, Estonia, Myanmar, Ireland, Philippines, Iraq and Morocco.

The Commission also was addressed by the following non-governmental organizations: International Confederation of Free Trade Unions (ICFTU), World Federalist Movement, International Fellowship of Reconciliation, Pax Christi International, International Association of Educators for World Peace, and the Women's International League for Peace and Freedom.

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The Sudan, Bangladesh, Albania, Croatia, China, India and Pakistan spoke in right of reply.

Views of Delegations

EDZISLAW KEDZIA (Poland) said his country had concluded with its neighbours bilateral treaties dealing with the life of minorities. One of the crucial steps in the United Nations programme concerning minorities should be the careful implementation of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities. There was an urgent need for establishing, within the framework of advisory services, a special programme relating to minorities' protection, including the function of good offices. Assistance to States in that respect by impartial services could contribute significantly to the amelioration of the minorities' situation.

Because of tensions caused by alleged violations of minority rights in different parts of the world, he said, the Commission should consider the possibility of establishing a permanent implementation mechanism, such as the appointment of a special representative of the High Commissioner for Human Rights or of the Secretary-General, or the creation of a small working group dealing with the implementation of the Declaration.

EDDY PRATOMO (Indonesia) said his country had hundreds of ethnic groups and many religions. One only needed to follow contemporary events in the Balkan region to witness the atrocities and untold destruction that were committed as a result of religious intolerance and the fear and bigotry it fed. The Indonesian Government, therefore, did not condone interference in the practice of religion, nor permit any action that would incite the followers of one or other religion to cause instability.

Article 1 of the Indonesian Law on the Prevention of Abuse and/or the Defiling of Religions, he went on, prohibited anyone from deliberately making interpretations of any of the religions in Indonesia or from publicly engaging in activities which deviated from those religions, such interpretations and activities being contrary to, and deviating from, the true teachings of those religions. For Indonesia, inter-religious tolerance was a basis for national unity and a pride of national harmony.

PAUL TABET (Holy See) declared that to say religion itself was a source of intolerance was untrue; people could not really be human beings without developing their religious aspects. Religion formed a basis for the loftiest undertakings of humanity. True religion could not be intolerant, since that would be in conflict with its very essence. Intolerance was a perversion of religion. Religions must, in respect for pluralism and freedom, be allowed to contribute to culture and to society. That was especially essential for those in the minority. The Holy See regretted the many cases in which those who believed had been discriminated against. States simply could not deny people the right to religion or any other fundamental human right.

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OLEG SHAMSUR (Ukraine) declared that the Parliament and Government of Ukraine had made ethnic relations and protection of minority rights a matter of their foremost and constant concern from the outset of the sovereign existence of the State. Accordingly, a body of legal acts providing all citizens of Ukraine with the guarantees of equality of their rights, and ensuring free expression and development of their ethnic self-identification, including the right to national-cultural autonomy, had been created. Unfortunately, the noble ideas embodied in the Declaration on the Rights of Minorities and reiterated in the Vienna Declaration and Programme of Action were yet to become the law of the land in too many places of the former Soviet Union. Over 1 million persons had already been internally displaced there due to the ethnically motivated conflicts, intolerance and the effect of extreme manifestations of nationalist feelings.

All problems in the field of ethnic relations, especially when they were linked to the relations between different States, should be resolved exclusively by peaceful means, including the problem of maintaining military bases or contingents on the territory of other States without their consent. The principle of reciprocity should also be strictly observed. Millions of Ukrainians living in the countries of the former Soviet Union and Central and Eastern Europe should be able to enjoy the full measure of fundamental rights and freedoms. Those trapped in areas of armed conflict were special cause for concern.

ZEF SIMONI (Albania) thanked Abdelfattah Amor, the Special Rapporteur, for his fair and impartial report on the situation of religion in present-day Albania. About 30 years ago, the now defunct communist régime had decided that the time had come to deal the ultimate blow to religion and proclaimed Albania an atheistic State. Speaking in the name of the people without asking them, it outlawed all religions, closed down what remained of religious institutions, among them churches and mosques, and declared war on God, although it had been saying for a long time that He did not exist.

After the downfall of the communist régime, he continued, which came about also because of the courageous resistance and struggle of religious-minded people, the newly elected democratic Government proclaimed the free exercise of religion as one of the fundamental rights of its citizens and did everything in its power to make good the damage and loss caused to the various religious institutions.

State-inspired religious intolerance no longer existed in Albania, he said. It was a few months now since Parliament had adopted a law on the return of, or compensation for, the property confiscated by the former communist regime, which put all subjects, including religious communities, on an equal footing and matched the standards of European legislation.

GUY RYDER, representative of the International Confederation of Free Trade Unions (ICFTU), said the workplace was a key location where the social and economic roots of racism could be dug up and destroyed. Migration should be an act of free choice, not the result of poverty and desperation; therefore, aid, trade and investment policies should build development in poorer countries

so that people were not forced to migrate. The employment rights of migrant workers, men and women, should be equal to those of national workers. That principle should apply particularly to conditions of work, wages and related benefits, social security, trade union rights, housing facilities and opportunities for promotion.

Continuing, he said in some countries, migrant workers were being denied the right to family life, and they could not be joined by spouses and immediate relatives. The ICFTU condemned the expulsion of migrant workers which was carried out in an arbitrary manner. It urged the Commission to call on Governments to ratify and implement the International Labour Organisation (ILO) conventions relating to migrant workers.

MICHA MILOSEVIC, representative of the World Federalist Movement, discussed the human rights violations against Serbians in countries surrounding or which had been part of the former Yugoslavia. In Croatia, the authorities had expelled more than 300,000 Serbs from their territory, and, since 1991, 97 Serbian Orthodox Churches had been demolished. In Macedonia, 300,000 Serbs had still not obtained the rights of minorities. Despite the efforts of the Slovenian authorities, the Serbian minority had no access to education in their mother tongue, and had no representative in the National Assembly. In Albania, the Serbian minority was "the most persecuted minority in Europe". For example, the Serb language, dances and songs were forbidden, and people had been forced to change their names. Religious freedom had been violated where Serbian Orthodox priests were forbidden to hold services. The Serbs in Albania were calling for the status of a minority with all the rights of minorities.

RENE WADLOW, of the International Fellowship of Reconciliation, asserted that China remained one of the last of the communist States which wished to control the ideological life of the people and to block counter-ideologies. Tension and cases of arrests of Roman Catholic priests and of Protestant ministers of unofficial "house churches" continued. Throughout history, Chinese thought had been tolerant, and today there was a widespread and largely unhindered revival of Chinese philosophical thought. The exception to that trend was the fate of Buddhism in Tibet. The Commission and the Special Rapporteur should help the Chinese Government modify its policies to meet internationally recognized standards of tolerance.

He hoped that in time the repressive policies of the current Iranian Government would fade and expressed concern regarding the State-religion issue in the Sudan, Pakistan, Saudi Arabia and Israel. As the separation of the State from religious institutions and ideologies was no doubt the safest relationship for both parties, the Centre for Human Rights should have a seminar on models of State-religion relations. The relatively new model of religiously based activism and repression outside the control of the State, such as in Algeria, also deserved the attention of the Commission and Special Rapporteur. The same patterns of religiously inspired repression against all who did not share the same narrow outlook were seen in Egypt, Turkey, Afghanistan, northern Nigeria, Bangladesh and India.

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JACQUES VITTORI, of Pax Christi International, said that society was going through an alarming crisis. A spiritual vacuum, conflicts, war and poverty meant that the institutions of the United Nations had a particular responsibility to maintain moral order. Great religions, too, in particular, the three monothestic religions, had a huge responsibility to oppose violence, war and misery. They should work together bringing men and women together under the same kind of transcendent divinity. They should draw strength from their diversity. A non-governmental organization conference held last August had called on special rapporteurs to consider violations of a religiously intolerant type and the local cultural habits in the context of norms and respect for human rights. The conference had also requested the United Nations Centre for Human Rights to synthesize those reports. The future of the world and of humankind was at stake, he said.

WILDA SPALDING AFZAL TAHIR, of the International Association of Educators for World Peace, requested that the issue of disability be taken into account when discussing or taking decisions about the rights of migrant workers and their families. In Pakistan, ordinances which had been promulgated and enforced by General Zia-ul-Huq, as Chief Martial Law Administrator, and which were most discriminatory with regard to religious freedom and women's rights, had become part of the Constitution, she said. Hundreds of members of religious minorities, such as Christians, Ahmediyya, Shias, Zikris and Hindus, were imprisoned solely for the peaceful practice of their religious faiths.

She went on to say national minorities were facing State victimization and thousands of Sindhis and Mujhaars were in custody for years without trial. Disappearance, death in custody, and torture were widespread. Shaheed Mohammed Yousuf Jakhrani, Vice-Chairman, World Sindhi Congress, was brutally tortured and killed while in the custody of the Security Force on 11 June 1992. The situation in Pakistani-occupied Kashmir was even worse. Pakistan should be included in the list of countries where a fact-finding mission to investigate human rights violations against religious and national minorities should be sent.

ZHU SHIYUAN (China) said that China was a country of many religions, mainly of Buddhism, Taoism, Islamism, Catholicism and Protestantism. About 100 million citizens believed in different religions. In addition to the Constitution and relevant laws, there were special bodies dealing with religious matters at different levels of the Government organs. At present, Chinese citizens fully enjoyed freedom of religious activities in accordance with their respective religious teachings and practices in their places of worship and even at their residence. The policy of freedom in religious belief was also seriously pursued in the autonomous regions of minority nationalities, for example, in Tibet, Xinjiang, Inner Mongolia, and Ningxia. There were now 1,400 Buddhist temples and more than 34,000 Buddhist monks and nuns in Tibet.

Pursuant to Chinese law, while citizens fully enjoyed the freedom of religious belief, they had also to bear the various obligations provided by law, the speaker said. Their behaviour should be kept within the limit of the law of the country. In recent years, a number of religious believers had been

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penalized according to criminal law or administrative regulations, because they had engaged in activities that violated State security, disrupted social order, caused physical and mental harm to others, or impeded the operation of the country's educational system in the name of their religion. Those activities had nothing to do with their religious belief, the speaker added.

PAULO TORELLO DIROMAGNANO (Italy) said that in 1993, the Italian Government had signed important agreements with the Baptist and Lutheran Churches, in line with a full guarantee of religious pluralism and of the full implementation of the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. Furthermore, an agreement had been entered with the Holy See for the recognition of academic degrees delivered by Faculties approved by the Holy See, with a view to respecting religious culture and to implementing specifically the principles of religious freedom. A concrete approach towards fuller respect for religious freedom had been shown by the Government through the recent decree in order to allow the Italian Jewish community to observe the Jewish Passover. He recalled that the General Assembly had decided to declare 1995 as the International Year on Tolerance, and that an important international workshop on the subject "Tolerance and Law" would be organized in 1995 at the Universities of Sienna and Florence.

VIACHESLAV I. BAKHMIN (Russian Federation) said that long pent-up hostilities had caught the world by surprise following the fall of the Berlin Wall. The situation was like that of a group of firemen who, at the sight of the first smoke, had a long discussion on whether or not a fire would break out and actually confronted the flames too late.

Russia was going through a difficult phase, including ethnic conflicts within and near its borders, he went on to say. Some 25 million compatriots found themselves outside its borders, and the country could not be indifferent to their fate. In many cases, they were denied jobs, housing, education, use of their language and were even deported. A spirit of cooperation and mutual trust must be developed among the Commonwealth of Independent States (CIS); and legal agreements to protect persons equally throughout the CIS would be a great step. Latvia and Estonia had not sufficiently respected the rights of ethnic Russians, and Latvia especially had not offered them fair access to citizenship.

OROBOLA FASEHUN (Nigeria) said that Nigeria, with over 300 ethnic groups and diverse religious associations, had, through a federal system of Government and devolution of power to local communities, allowed for the full expression of minority rights where the policy of federal character brought into decision-making practically all ethnic groups in the Federation. Despite five decades of the Universal Declaration of Human Rights and despite the Vienna Declaration and a new global atmosphere that should promote the brotherhood of man, the world was facing a resurgence of many forms of racism, xenophobia, religious intolerance and virulent ethnicity.

He went on to express concern over the revival of a fascist and ultra-rightist ideology and called on the Commission to appoint a Special

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Rapporteur to study and make recommendations on the phenomenon of right-wing and racist violence. Moreover, it was inadmissible to use religion for ends inconsistent with the Charter and other relevant human rights instruments. Objectives other than tolerance, piety and brotherhood should be discouraged.

SUJATA MANOHAR (India) said the Indian people were heirs to an ancient tradition of tolerance and respect for different religions and faiths. For that reason, India was home to so many differing linguistic and religious groups. It was the birthplace of four major religions -- Hinduism, Buddhism, Jainism, Sikhism. India would continue to strive to retain its basic pluralistic character and protect and foster the human rights and fundamental freedoms of all. However, incidents of communal violence had occurred occasionally.

There was also, the speaker continued, a situation of India's commitment to reason, compassion and tolerance being challenged by religion-based terrorist elements, externally supported, whose aim was to undermine the secular fabric and its territorial integrity. In Kashmir, the systematic religion-based extremism by terrorist elements had resulted in the exodus of 250,000 non-Muslims to other parts of India. Such flashpoints as those that had occurred there recently served to remind all that it was easy for the intolerant to make their voice heard and spread bitterness and discord where none existed.

BERNARD A.B. GOONETILLEKE (Sri Lanka) said Sri Lanka was one of the many States in the region that had a large migrant-worker population spread all over the world. His country was keen on promoting the rights of all migrant workers, particularly in view of their significant contribution to the socio-economic structure of many developing countries. The vulnerability of migrant workers to a socio-economic and political milieu that was different from the one in their countries of origin underlined the rationale for the need to develop mechanisms to take care of their legitimate concerns at a global level. The Convention on the Rights of Migrant Workers and the Members of Their Families, moreover, could play a positive role in preventing and eliminating the exploitation of migrant workers and their families, and ending the illegal and clandestine movements and trafficking in migrants and the resultant irregular or undocumented situations. His Government was at present studying that Convention with a view to becoming a State party to it and hoped that all Members of the United Nations would become parties.

ROMULUS NEAGU (Romania) emphasized the right of minorities to enjoy their own culture, language and religion, without interference. The Subcommission and later the Commission should consider the conduct of States pertaining to the protection of minorities and possibly draw up a draft code of conduct aimed at those who sought to politicize those problems and put forward territorial claims. The new democratic Romania was very concerned about the rights and protection of minorities, and a Council of Minorities had been set up to allow a dialogue between minorities and the Government. The 14 ethnic minorities living in Romania were represented in Parliament, he stated.

MIKLOS ENDREFFY (Hungary) said it was necessary to go beyond general human rights instruments and deal specifically with the rights of persons

belonging to national, ethnic, religious or linguistic minorities. It was not enough to have legislation ensuring equality and non-discrimination. It had to be applied consistently and impartially by the courts and enforced without any bias by the police and security forces. Hence, the imperative need for both a strong, independent and accessible judiciary and law enforcement agencies.

In addition, he continued, the main elements of identity were language and culture; and language rights included the right to education in one's own language. The Commission could examine the possibility of appointing a Special Rapporteur to examine situations incompatible with the provisions of the Declaration on the rights of minorities. It could also encourage closer cooperation with regional organizations on minority rights and could ask the High Commissioner on Human Rights to take up and maintain contact with the High Commissioner on National Minorities of the Conference on Security and Cooperation in Europe (CSCE).

VALENTIN DOBREV (Bulgaria) said his Government viewed human rights in general, and tolerance and non-discrimination on the grounds of religion and belief in particular, as a fundamental element of any contemporary democratic society. At present, there were 29 religious entities in his country, and Bulgarian legislation provided for severe sanctions for those perpetrating discrimination on religious grounds or rousing national, racial or religious hatred. There had never been any anti-Semitism in the country. He expressed concern about the religious freedom of minorities in the territory of Serbia, where -- unlike those declared Serbian -- Bulgarian churches and monasteries in the east were in a wretched condition. The services administered by the Serbian Patriarchate, irrespective of the clearly manifested preference of the Bulgarian minority for the administration of the Bulgarian Orthodox Church, were held by Serbian priests only in Serbian. Even the gravestones and the obituaries of ethnic Bulgarians were also written in Serbian only.

SHAFQAT KAKAKHEL (Pakistan) said respect for human rights came with the genesis of Pakistan. Within the country, the principles of tolerance ordained by Islam were carried out by the Government, which had taken steps to protect its minorities. Pluralism was a legitimate right of States alongside freedom for their minorities and the right to sovereignty. That concerned, in particular, the plight of people in Jammu and Kashmir whose rights were being violated with flagrant disregard for United Nations resolutions. Regrettably, the resolutions had not been recognized. Four decades later, the people had risen up in their search for self-determination. The human rights of the people in Jammu and Kashmir had been hideously violated. Reprehensible attempts were being made to justify such violations and the use of brutal force by projecting their struggle as terrorism or as a religious-based separatist movement.

SANDRA KALNIETE (Latvia) said Latvia's law on the unrestricted development and right to cultural autonomy of Latvia's nationalities and ethnic groups, adopted by the Parliament in 1991, guaranteed all residents in Latvia, regardless of their nationality, equal enjoyment of human rights, in accordance with international standards. Almost one quarter of the primary

and secondary schools financed by the State extended education to students in the Russian language. The population of Latvia was only 52 per cent Latvian. Among other groups, 33.5 per cent were Russians.

Lately, Russian officials repeatedly had stated that Russia, using all means necessary, would protect the ethnic Russians residing in the so-called "near abroad". Taking into consideration those statements and the fact that the Government of the Russian Federation had not officially recognized the illegal occupation and annexation of Latvia in 1940 by the former Soviet Union, she continued, her country viewed those statements with grave concern and considered that they harmed the maintenance of constructive dialogue and good relations between neighbouring States. Her Government considered that Russia's demands to Latvia that it grant citizenship to all the persons that had entered Latvia during the 50 years of occupation to be without basis. Her country had been repeatedly pressed to defend its honour against groundless allegations of discrimination against its minorities.

KART JUHASOO (Estonia) recalled that Estonia was the first country in the modern era to implement the principles of non-territorial cultural autonomy in 1925. It had enabled German, Jewish, Russian and Swedish communities to develop their national culture and maintain their language. The CSCE High Commissioner on National Minorities had expressed his appreciation of Estonia's Law on Cultural Autonomy, stressing that it could be taken as a model for other countries.

Today, he continued, the non-Estonian population constituted about 34 per cent of the country's total population of 1.5 million. Among many other communities, the Russian community was the largest one, constituting about 28 per cent of the total population. About 6 per cent of Russians were descendants of persons who held Estonian citizenship prior to 16 June 1940, and were, therefore, Estonian citizens. Most of the Russians, about 22 per cent of the total population of the country, had come to Estonia as a result of the centrally organized and demographically motivated industrial push of the former Soviet Union. The Russian President had repeatedly stated that the fate of Russians living abroad was an issue of highest priority for Russia's foreign policy. As far as Estonia was concerned, the issue would be given the highest attention, too. Patience and constructive cooperation were more helpful than sharp accusations and severe criticism.

U TIN KYAW HLAING (Myanmar) said that in Myanmar, there was total absence of discrimination against any person or group, whether minority or majority, on grounds of race, creed, religion or gender, and that to criticize or allege that there was persecution based on religion was unfair and bordered on a travesty of the truth. A separate Ministry for Religious Affairs headed by a Cabinet Minister was set up in March 1992 to facilitate the promotion and propagation of the various religious faiths, including Islam and Christianity. However, allegations had been made against the authorities, and in particular the armed forces, for discrimination against certain groups of people professing different faiths. Leaders of the Islamic, Hindu and Christian faiths were accorded free travel within Myanmar on various modes of transportation to carry out efficiently their religious duties.

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As to allegations regarding the so-called forced relocation of religious objects and buildings, the speaker said special or appropriate places were allocated for constructing religious buildings. In accordance with those regulations, certain religious buildings which were located at inappropriate and unsuitable sites were moved to places allocated specially for the religious purposes.

DONAL DENHAM (Ireland) said all States had obligation to ensure that freedom of religion or belief was guaranteed to all those who lived within their borders. It was not sufficient that constitutional provisions or legislation proclaimed the right to freedom of thought, conscience, religion or belief. Those guarantees must be implemented so that all persons, irrespective of their beliefs, might enjoy to the full all their human rights and fundamental freedoms. There was also a need to ensure that effective remedies existed for those whose rights were violated.

Recent years had unfortunately seen a growth in religious intolerance by those who held extreme religious beliefs, he continued. There was a growing tendency among some to seek to impose their religious beliefs on others and, in the name of religion, to deny to others the very rights they claimed for themselves. All too frequently, religion was the pretext for acts of violence directed against those who held -- or who were thought to hold -- other religious beliefs. In many cases, the victims were ethnically different, adding elements of racial hatred and xenophobia to religious intolerance. The Special Rapporteur had drawn particular attention to that phenomenon.

LEO PALMA (Philippines) said that migration for employment per se was a neutral phenomenon, neither inherently good nor inherently bad. It could benefit both the sending State and the receiving State, in the same manner that it could engender unquantifiable social and other costs on both sides. While the so-called market forces were indeed potent forces, they were morally neutral, incapable of distinguishing between bad and good or between immoral and moral. The migrant worker, particularly women migrant workers, were vulnerable. The least the Commission could do was to condemn all forms of exploitation and affronts to human dignity and to encourage Governments to ratify, promote, and implement Conventions intended to protect human beings from exploitation.

As for the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, he said, only four countries, including the Philippines, had either ratified, acceded to or signed it. He appealed to all Governments to ratify, accede to or sign and, above all, to implement the Convention.

BASIL YOUSIF (Iraq) said that Iraq was the cradle for dialogue of various cultures and religions and was the victim of a Western attack whose purpose was to undermine internal unity under the pretext of protecting minorities. The Kurdish issue was at the centre stage of Western circles and was an issue that, in reality, had nothing to do with discrimination. He stressed the privileges given to Iraqi Kurds, including the autonomy law of the Kurdistan region, which guaranteed Kurds economic, social and cultural rights, including

the right to teach Kurdish. Members of the Kurdish community participated in the National Assembly and were represented democratically. Other groups, such as the Assyrians, also had their rights guaranteed under Iraqi law.

M.L. ABOUTAHIR (Morocco) said that since the Second World War, the population of migrant workers had grown substantially. Unfortunately, they often were subject to discrimination, and lately the situation had been worsening. Movement was increasingly restricted by visa regulations; family reunification was more and more difficult; education provided by host countries often was not suitable for migrant children; and frequently migrants had difficulties practising their religion. They were apt to be the focus of resentment, racism and xenophobia. The International Convention on the rights of m grant workers and their families was a notable step forward. Morocco had ratified the Convention and hoped that all United Nations Member States would do the same.

COLLEEN BURKE, representative of the Women's International League for Peace and Freedom, said that the deteriorating situation of migrant workers around the world made the ratification and implementation of the Convention on migrant workers' rights even more urgent than it was when it was adopted in December 1990. Women migrant workers faced a triple oppression: the racism and economic discrimination and poverty shared by their male counterparts, as well as the additional burden of gender discrimination inherent in patriarchal societies.

Female undocumented workers were particularly vulnerable to sexual and psychological abuse, she continued, and they also fell prey to agencies that attracted them with false promises of employment and then forced them into prostitution. Certainly, migration must be regulated, but it should no longer be viewed as an entirely negative phenomenon. Migrants had much besides their labour to contribute to their country of residence. She urged all Governments to ratify the Convention to ensure migrant workers their human rights and dignity, wherever they lived and wherever they worked.

Rights of Reply

JOHN ANGOL (Sudan) said that remarks against the Sudan had been made at the Commission's morning meeting by the World Organization against Torture and the International Fellowship of Reconciliation. It was necessary to point out that a war was under way in the Sudan. His country had many ethnic, religious and cultural groups, and they had long lived together in harmony. Citizens were free to worship as they wished. Different parts of the country were treated differently -- southern states were exempt from Islamic law. There were no religious overtones to the conflict in southern Sudan. It was the intent of certain international groups to afflict the Sudan with unfair accusations and bring about the secession of the southern part of the country. Those forces did not care about the actual suffering of the people of the south.

ANWAR HASHIM (Bangladesh) said the Centre Europe-Tièrs Monde had made totally incorrect statements regarding a Bangladesh national, Anwar Hussein,

who was, in fact, induced and tutored in Geneva to make false allegations in order to gain political asylum in Switzerland. There was no reason to worry about his welfare after he returned to Bangladesh, because he was a free citizen and enjoyed all rights. The Centre had made its statement without substantiating the evidence. In addition, the statement made by the International Fellowship of Reconciliation regarding activism and religion outside the State was erroneous, as all citizens in Bangladesh were living in religious harmony.

Mr. SIMONIS (Albania) said that the World Federalist Movement's figure of Serbs in Albania was a gross exaggeration. The 2,000 to 3,000 in four small villages had been subject to religious persecution under the former régime. But all Albanians had been persecuted by the Serbs. For four years, no Albanian teachers in Kosovo had been paid to teach the 280,000 pupils. Albanian education imparted in private homes was considered a crime. Only one newspaper existed, and no radio or television station existed. Albanian intellectuals were also harassed and lived in an atmosphere of permanent tension.

TOMISLAV THUR (Croatia) said he rejected once again the cheap propaganda of the Serbian World Union, which for the second straight year had misused the name of the World Federalist Movement. Once again, the Serbs had failed to mention the war they had waged against Croatia, killing thousands. Serbs still occupied part of Croatia. Serbia had not even allowed the Commission's Special Rapporteur to set up an office on their territory. He urged the Commission to investigate the compatibility of the extremist nationalistic activities of the World Federalist Movement with the rules of the Economic and Social Council.

YISHAN ZHANG (China) said Tibet was a sacred and integral part of Chinese territory, and that slanderous comments had been made to the effect that the Chinese Government was restricting religious freedom there. Those statements were frequently lies. Tibet had never been recognized as sovereign for 100 years. As for the population of Tibet, the national census showed that the population was made up of 95.6 per cent Tibetans, and that they were not a minority. Political motives of certain organizations were responsible for the lies and revealed that they were not interested in human rights at all, but only used them as a pretext.

NGUYEN VAN SON (Viet Nam) said certain non-governmental organizations had put forward certain negative aspects relating to respect for human rights in Viet Nam. Those were unfounded allegations and evidence of a hostile attitude. Developments in Viet Nam over the past few years had improved the situation for human rights enjoyment there. Diplomats, observers and businessmen could attest to that. The Special Rapporteur on Religious Intolerance stated as much on page 136 of his report, which could be read by anyone who wished to understand the reality better.

Mr. SABHARWAL (India) said it was necessary to respond to the entirely irrelevant issues raised by Pakistan, which did not fit the agenda items under discussion. It was typical of Pakistan to repeat baseless charges against

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India at every opportunity. Pakistan's territorial ambitions in Jammu and Kashmir could not be placed under the topic of religious or minority rights. India would continue to respect the content of the agenda. Meanwhile, Pakistan itself was guilty of widespread and serious religious persecution and discrimination against minorities.

Mr. KAKAKHEL (Pakistan) referring to the statement by India on Jammu and Kashmir, said the people of Kashmir asked for self-determination, which had been denied to them. The Indian forces used torture, detention, searches, rape, theft and other forms of violence against them. He invited the international community to send a fact-finding mission to Jammu and Kashmir to witness the violations.

Mr. SABHARWAL (India) said Pakistan's right of reply had proved the point that its statement under agenda items 13, 18 and 20 had not been relevant. Pakistan's representative had made extraneous and irrelevant comments in that regard.

Mr. KAKAKHEL (Pakistan) said he wished to point out that India was ducking the fundamental issue, which was the systematic denial of the right to self-determination of the people of Kashmir, and the massive violations of human rights committed there by Indian security forces. Let India accept free, impartial, international investigation of the situation in Jammu and Kashmir.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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HUMAN RIGHTS COMMISSION REVIEWS WORK OF SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Several Countries Criticize Functioning of Commission's Subsidiary Body

GENEVA, 15 February (UN Information Service) -- The Commission on Human Rights this morning began its annual review of the work of its principal subsidiary body, the Subcommission on Prevention of Discrimination and Protection of Minorities.

Awn Shawkat Al-Khasawneh, Chairman of the Subcommission's forty-fifth session, held last August, said that a recently instituted practice of voting by secret ballot had largely eliminated concerns about whether or not Subcommission member experts were independent of the influence of their home countries, as they were supposed to be. The topic had come up again last year and had received more attention than it deserved, he continued.

The Subcommission had taken steps to improve its methods of work and to adjust to new developments in the human rights field but continued to struggle with resources, he stated further. Some of its experts and special rapporteurs had even paid for research assistants out of their own pockets to avoid compromising the quality of their reports.

As debate began, the representative of China said some members of the Subcommission "politicized" human rights and "applied double standards inherited from the cold war period". The United States representative on the Commission said Subcommission experts often lacked adequate expertise, were insufficiently independent of their Governments, did not work in a spirit of collegiality and did not have a visible commitment to the protection of human rights. The Japanese representative said Subcommission proposals on occasion were not practical or were inefficiently organized.

Earlier in the morning, the Commission concluded debate on the topics of the human rights of migrant workers and of members of national, ethnic, religious or linguistic minorities. The World Confederation of Labour, a non-governmental organization, said that almost 70 million people lived or worked in foreign countries, and that in addition there were some 20 million

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refugees who had crossed international borders. Women migrants were especially vulnerable, and faced discrimination, unacceptable living and working conditions, and sexual harassment.

Addressing the morning session were the representatives of the Republic of Korea, China, United States, Japan and New Zealand.

Also making statements were the following non-governmental organizations: Third World Movement against the Exploitation of Women, World Confederation of Labour, World Movement of Mothers, International Organization for the Development of Freedom of Education, Christian Democratic International, International Movement against All Forms of Discrimination and Racism, International Work Group for Indigenous Affairs, Commission for the Defence of Human Rights in Central America, International Indian Treaty Council and American Association of Jurists.

Bangladesh, Guatemala and India spoke in right of reply.

Statements in Debate on Various Human Rights

JANE CORPUZ-BROCK, representative of the Third World Movement against the Exploitation of Women, said that she hoped to bring to the attention of the Commission violations of the rights of migrant women. Deportation without recourse was growing more common in many countries. The Philippine Government labour exportation programme contained highly inadequate protection clauses, while the repatriation system was poor. Women migrant workers in all parts of the world continued to face such violations as contract substitution, underpayment of salaries, physical abuse and forced overtime. She said labour shortages had occurred in Hong Kong, Taiwan, Malaysia, Singapore and Thailand. Would they sign and ratify the International Convention on the Protection of the rights of All Migrant Workers and Members of Their Families? Her organization was concerned at the great difficulty in obtaining information from United Nations sources on the Convention and a seeming absence of concentrated effort in promoting it. It supported moves for a special rapporteur on women.

BEATRICE FAUCHERE, of the World Confederation of Labour, said that almost 70 million people lived or worked in foreign countries, and there were also some 20 million refugees. Still, migration accounted for only 4 per cent of the world's population. Many Western countries today said they wanted fewer immigrants; the motto was, "We're closed". Still, they counted on immigrants to do jobs they considered dirty or dangerous. It was important to avoid exploitation -- new arrivals, clandestine or not, often did not know the rules or minimum standards. Often there were tremendous problems for their children and women migrants were especially vulnerable, being faced with double discrimination both as women and as migrants. They were subject to sexual harassment and extremely low pay for domestic service, including some who had worked for diplomats in Geneva.

ROSANNA BARKE, of the World Movement of Mothers, said that the persistence of discrimination against women, particularly mothers, was

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worldwide. In certain parts of the world, girl children were subjected to cruel mutilations with irreversible consequences to their health and sexual lives. There was humiliation of mothers through conditions imposed by ancestral traditions; and inequality existed between mothers who worked professionally and those who looked after the comfort, health and education of their family. That was an injustice that deserved to be corrected, she stressed.

ALFRED FERNANDEZ/SAM RUGEGE, of the International Organization for the Development of Freedom of Education, said the best way to prevent intolerance was to promote freedom, which was vital because it involved human dignity. The importance of education should not be underestimated in that regard, particularly for multicultural societies. The emphasis on educational pluralism in the Declaration on intolerance showed that schools which respected differences allowed pluralistic thought and freedom of religion. Standardizing State schooling of a monopoly nature was against the spirit and letter of the Declaration.

The speaker said the Sudan's laws based on shariah were discriminatory against non-Muslims and women, and a substantial proportion of the country's population was denied the right to education because of its religious affiliation. The Ministry of Education was currently carrying out a comprehensive revision of school curricula to rid it of all non-Islamic components. Only last week the Sudanese Minister of Education had stated on television that all schools and students should follow the Islamic way of life. The "Islamization of knowledge" in higher education institutions had led to the dismissals of dozens of university teachers, and to the arrest, detention and even torture of members of the academic community.

C. SLESZYNSKA, of the Christian Democratic International, said that the great religions held the key to peace. That was true in El Salvador, Nicaragua, Chile and in the Mexican state of Chiapas. Of particular importance were the roles of Mother Teresa and "Abbé Pierre", Tibetan monks of Viet Nam and Cambodia, and the calls for peace by Cuban bishops. The United Nations should launch a programme for the world's religions to act together to promote peace, development democracy and justice. The Centre for Human Rights should organize inter-confessional missions in areas of crisis, particularly where the crisis had a religious origin.

MYRIAM SCHREIBER, of the International Movement against All Forms of Discrimination and Racism, said that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities did not respond to the real needs and problems of minorities. Furthermore, the Declaration had not foreseen any implementation mechanism or any programme of action to sustain the full realization of its objectives. The Special Rapporteur of the Subcommission had fashioned a very commendable policy of conciliation and mutual understanding, yet it unfortunately remained rather unrealistic when one took into account the fact that oppressed minorities would not so easily forget past and present violations of their rights.

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She said the Roma continued to experience grave challenges, often based on prejudice, to their enjoyment of basic rights and full participation in the social, economic and political life of countries of Europe. Discrimination was inflicted on the Sinti and Roma of Germany. In Japan, serious forms of discrimination were still directed at Buraku people, Ainu people, Korean residents, migrant workers, women, illegitimate children, the disabled and HIV carriers.

MIKE FORSTER, of the International Work Group for Indigenous Affairs, registered particular concern about the proposed repatriation to Bangladesh of some 56,000 Chakma peoples from the Indian state of Tripura, proposed to begin today. Despite pressure, the refugees were unwilling to go back because their lands were still controlled by the Bangladesh Army and Muslim settlers. According to reports, the worst off were a newer group of 3,500 who had fled to Tripura after the Chittagoing Hill Tracts Massacre in April 1992; they had never been registered as refugees. Despite their terror of being returned to a land where they had been thrown out of their homes, they now felt they had no alternative.

He said that as the population of Bangladesh exploded, more and more Muslim settlers from the plains had moved into the Hill Tracts, usually with the backing of the Army and the police, making the Chakmas and others a minority in their own lands. The Commission had to urge both Governments to permit access for the United Nations High Commissioner for Refugees (UNHCR) to observe this refugee situation. His organization was also concerned about the recent ejection of Catholic priests by armed forces from the Bougainville island of Buka.

VILMA NUNEZ DE ESCORCIA, of the Commission for the Defence of Human Rights in Central America, asserted that models of domination had been imposed upon indigenous peoples in various Central American countries which violated their human rights, including exploitation of national resources and the taking away of their lands. Furthermore, because of marginalization, their social, cultural and economic conditions had worsened. In Panama, indigenous groups suffered under appalling economic conditions.

In Guatemala, she continued, discrimination had affected some 7 million indigenous peoples. Reports from non-governmental organizations and humanitarian organizations said that counter-insurgency plans had led to 400 villages being wiped off the map. Not only had the right to participate in decision-making been denied, but a State policy to protect indigenous people was lacking. The Army was the main destructive power and the international community needed to monitor the situation.

MARIO IBARRA, of the International Indian Treaty Council, said that in recent years there had been an increase in racist attacks on migrants, ethnic minorities and indigenous peoples. The crimes of genocide and apartheid were particularly heinous. The Genocide Convention stipulated which acts should be punished and their terms of reference; its aims were clearly stipulated, but its implementation was not effective. How many incidents had occurred since 1951 when the Convention had entered into force? he asked. It was impossible

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to answer. Moreover, the Convention had not been applied to all relevant situations. Indigenous peoples and ethnic, religious minorities had been the victims of genocide, yet the Convention had not been applied. The monitoring machinery in article 9 of the Convention had not been applied. Thus, it should be amended, the better to protect indigenous peoples and prevent genocide.

DHORUBA BIN WAHAD, of the American Association of Jurists, said that while it was true that some strides had been made in implementing human rights, including the treatment of ethnic groups and national minorities over the past several years, racism and racial attacks on people of colour was on the rise in the industrialized nations. The United States Government and its legal system, he asserted, had carried out policies and programmes aimed specifically at repressing the political and human rights of people of African descent living under its jurisdiction. For millions of black people in the United States, the rule of law meant racist police brutality and exercise of white skin privilege.

It was of monumental importance, he went on, that the international human rights movement condemn the continued imprisonment of black political activists and criticize the high rates of incarceration of black people and the transformation of the black minority community into armed police camps. He called upon the Commission to conduct full and complete investigations into the status of black political prisoners in the United States and to request the United States Government to release all political prisoners.

Debate on Report of Subcommission

AWN SHAWKAT AL-KHASAWNEH, Chairman of the forty-fifth session of the Subcommission on Prevention of Discrimination and Protection of Minorities, introduced the Subcommission's report. He said that concerns about whether or not Subcommission members were independent of the influence of their home countries, as they were supposed to be, had come up again last year. He felt the matter had received more attention than it deserved and had obscured other points relating to the credibility of the Subcommission and the effective discharge of its duties. The recent practice of voting by secret ballot in cases where the independence of experts might be compromised had largely taken care of the problem.

A Commission request that the Subcommission develop a programme of familiarization for new members and alternates was perhaps "not the best thought-out of all possible ideas", he said. As the whole world knew, there was no crash course in experience, and an information kit entitled "Human Rights Made Simple" was something the experts had found hard to stomach. He hoped the proposal would be dropped by the Commission from this year's resolution. The Subcommission had taken steps to improve its methods of work and had created a working group to further streamline and rationalize its work. It also was giving due regard to new developments in human rights; one example was its new agenda item on the question of the implications for human rights of United Nations actions, including humanitarian assistance.

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There continued to be a problem with resources. For example, he said, the Centre for Human Rights lacked funding and staff to give sufficient help to the experts and special rapporteurs, and reports and documents often were delayed in translation To avoid compromising the quality of studies, many of his colleagues had had to pay for research assistants from their own pockets, or had had to turn to private foundations for funding. He hoped the Commission might help to ameliorate the funding crisis.

SUK JO LEE (Republic of Korea) recalled that in resolution 1993/24, the Subcommission had decided to entrust the expert from the United States, Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime. His delegation supported that resolution which now was subject to the Commissions's endorsement as draft decision B.2, entitled "Slavery and slavery-like practices during wartime".

It was appropriate for the Commission to devote special attention to that matter in the light of the repeated violence against women during wartime. That subject had become one of the most serious concerns of the international community. The preparatory document submitted by the Special Rapporteur noted continued deleterious effects suffered by Chinese, Dutch, Filipino, Indonesian and Korean women who had been forced into sexual slavery during the Second World War. The Korean Government was prepared to cooperate with the Special Rapporteur in carrying out her mandate, he said in conclusion.

LIU XINSHENG (China) said that the Subcommission should pay more attention to the right to development urgently desired by the developing countries and solve more practical difficulties for the developing countries, through providing studies and advice of experts. Some abnormal phenomena still existed in the work of the Subcommission which hampered the effective discharge of its mandate and impaired its normal work and reputation. In particular, some members still maintained the habitual practice of politicizing human rights issues and applying double standards and the selectivity inherited from the cold war period, replacing serious consideration of human rights with personal political views, bias and even sentiments.

Some of the reports in human rights situations seriously violated the Charter. Also there was too much duplication of agenda items between the Subcommission and the Commission itself. Except for the common concern for massive and flagrant violations of human rights or the necessary links in their work, the two bodies should have their own focus of deliberations, the speaker went on to say. The Subcommission conducted too many studies and special reports and required rationalization and reform. Regarding the draft resolution "Situation in Tibet", engineered by a few Western experts, it was only natural for that resolution to be rejected due to the opposition from most members of the Subcommission, as it seriously violated the Charter and interfered in the internal affairs of China.

DAVID WEISSBRODT (United States) said that the Subcommission had made many valuable contributions to the human rights field, particularly in

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drafting significant treaties and declarations. But there were new challenges facing the Subcommission, and it should respond to them with a renewed commitment to focus, expertise, collegiality and independence. The Subcommission made a promising start two years ago in reforming its methods of work, but those reforms had not been adequately implemented. It had notably devoted less attention, however, to the other part of its mandate, protection of minorities.

Given recent developments, the United Nations should put much greater emphasis on human rights problems affecting minorities throughout the world. A promising step had been the report of Asbjorn Eide of Norway. But the Subcommission should conduct more specific studies on linguistic rights of minorities and government structures for protecting minorities. It should also continue its very important role in initiating implementation procedures, which had become the mainstay of human rights protection in the view of the United Nations. The unique degree of freedom given to the Subcommission, however, must be accompanied by the duty to pursue its work responsibly. The Subcommission should have fewer studies on its agenda and should have its work more prioritized.

SHUNJI MARUYAMA (Japan) said that there had been numerous important achievements which were based on the studies of the Subcommission and which could not have been realized without its initiative. There had been cases, however, where its proposals had not been useful because they were not practical and over-scrupulous. It was the responsibility of the Commission constantly to evaluate the work of the Subcommission and indicate the direction in which it should head. Special rapporteurs should be given, on an equal basis, all the necessary assistance to complete their mandates once they were appointed. The Commission had the responsibility to consider carefully the necessity of financial assistance for the Subcommission's activities, especially for those requiring additional financial resources.

In particular, the speaker continued, there were doubts about seminars, expert meetings or assistance from the consultants proposed occasionally by the special rapporteurs, as they themselves had been appointed as experts in specific fields. The Commission should consider the desirability of a protocol to the International Covenant on Civil and Political Rights covering a right to a free trial and, if necessary, should set up an open-ended working group to deliberate thoroughly on the draft text submitted by the Subcommision.

CLARE FEARNLEY (New Zealand) said preparations for the International Decade of the World's Indigenous People (1994-2004) should be undertaken in full consultation and collaboration with indigenous peoples. There was an alarming disparity between the responsibilities placed on the Centre for Human Rights and the resources made available to it. She encouraged the establishment of a focal unit with particular responsibility for dealing with the range of indigenous matters which were now the Centre's responsibility. In addition, the pertinent organizations of the United Nations should increase their efforts, particularly in their budgeting and programming, to take special account of the needs of indigenous peoples.

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The Decade was of particular importance to New Zealand, a country built on the Treaty of Waitangi, which was the basis for the partnership relationship between the Maori, the indigenous people of Aotearoa/New Zealand, and those who had settled there. Consideration was being given as to the most appropriate way of celebrating the Decade in New Zealand, to reinforce the significance of the Treaty and the partnership relationship of Maori and non-Maori. It was important to have placed on a permanent footing within the United Nations system, a forum in which indigenous peoples could discuss questions that affected them and ensure that Governments and the wider United Nations system were alerted to their concerns.

Rights of Reply

SYED SHAH MOHAMMAD ALI (Bangladesh) said allegations that refugees were being repatriated without their consent were not true. The refugees had been consulted and an agreement reached between the leaders of the refugees and the Government. All necessary preparations had been made for the refugees to return in safety and dignity. Relations between Bangladesh and India were not hostile, but friendly. Furthermore, the settlers from the plains were not occupying others' land and all Bangladeshis enjoyed equal rights.

CAROLINA RODRIGUEZ FANKHAUSER (Guatemala) said a non-governmental organization had claimed certain things which were not true and which were politically motivated. Its assertions were irresponsible and the reference to the recent past of armed conflict was unjust and uncalled for. The Government was going through a difficult process of national reconciliation and needed the support of all Guatemalans to combat poverty and resolve the problems posed by a multi-ethnic and multilingual society.

NAVTEJ SARNA (India) supported the statement of Bangladesh concerning their areas of mutual cooperation.

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United Nations

Press Release

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RIGOBERTA MENCHU TUM ADDRESSES COMMISSION ON HUMAN RIGHTS

GENEVA, 15 February (UN Information Service) -- The plight of indigenous peoples in the world had actually worsened during 1993, the International Year of the World's Indigenous People, Rigoberta Menchu Tum, United Nations Goodwill Ambassador of the International Year, told the Commission on Human Rights this afternoon. Ms. Menchu, who was awarded the Nobel Peace Prize in 1992, said the Year had laid the basis for communication between Governments, institutions and indigenous peoples, yet genocidal practices by Governments the world over persisted. Indigenous peoples had no wish to destabilize States or to supplant Governments, and their impulse to self-determination was an opportunity to avoid conflict, she said.

Also this afternoon, the Commission continued its debate on the report of the Subcommission on Prevention of Discrimination and Protection of Minorities. The representative of Australia recalled that the General Assembly had proclaimed that the International Decade for the World's Indigenous People would begin on 10 December. One of the lessons of 1993, the International Year, had been that lasting results could not be achieved without careful planning, coordination and implementation, in close collaboration and consultation with indigenous peoples, he said. Similarly, the representative of Canada said its support for the International Decade was contingent on the development of a clear and practical strategy for realizing the objectives of the Decade and a realistic funding plan thereof.

Also speaking this afternoon were the representatives of Poland, Nigeria, Chile, Brazil, Bulgaria and the Netherlands. Observers from Denmark, on behalf of the Nordic countries, and Malaysia also spoke in the debate. The following non-governmental organizations also spoke: International Association of Democratic Lawyers; Nordic Saami Council; Indian Institute for Non-Aligned Studies; Grand Council of the Crees; and International Association for the Defence of Religious Liberty. Bangladesh spoke in exercise of the right of reply.

Address by Rigoberta Menchu Tum

RIGOBERTA MENCHU TUM, United Nations Goodwill Ambassador of the International Year of the World's Indigenous Peoples and 1992 Nobel Peace

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Prize Winner, said that 12 years had elapsed since the creation of the working group on indigenous peoples. During that time, indigenous peoples had begun to show the world that they were social beings in charge of their own destiny. Unfortunately, the International Year had not received sufficient attention or support by States or the United Nations. Yet, the Secretary-General's appointment of her as Goodwill Ambassador was a sign of the attention the United Nations paid to the problem of indigenous peoples. However, she would not be a token Ambassador, nor just a symbol, she said.

She then turned to the great hopes which existed for change in Guatemala. Unfortunately, eight months after the globally supported Government changes in that country, the violations of human rights had actually increased, the Civilian Self-Defence Patrols and the Army continued their work, and indigenous peoples continued to have their rights disregarded. Recent attempts at mediation were a little flame of hope. Only peace would bring a new climate in the country, in which the rights of indigenous peoples would be respected.

The plight of indigenous peoples had worsened during the International Year with respect to cultural and social policy, she continued. Racism was on the rise, and age-old cultures were being erased. She rejected paternalism and the genocidal policies of certain Governments. In Europe, Asia and Oceania, such practices were a daily occurrence. The age-old values of indigenous peoples should be restored and taught to children. Respect for pluralism and cultural diversity was vital, and the international community should strengthen international cooperation to help indigenous peoples in the areas of health, human rights, education and development.

Indigenous peoples should also be recognized at the constitutional level, she said. They had no wish to destabilize States or to supplant Governments. Self-determination of indigenous peoples was an opportunity to avoid conflict or at least not to exacerbate it. The appropriate machinery must be found to allow indigenous peoples to participate in the debate. The International Year could only lay the basis of communication between States, peoples and institutions.

She added that on the American continent, in Chiapas, Mexico, serious violations of human rights had occurred recently. She had proposed an Indigenous Initiative for Peace in Chiapas, which had travelled in the area, hearing complaints of human rights abuses from the indigenous peoples and talking to State and Church officials. At a press conference on 27 January, the violations of human and constitutional rights were announced, and details and recommendations were presented to Mexican President Salinas. The Indigenous Initiative for Peace had had a useful impact in terms of peace, monitoring and direct dialogue. The Indigenous Initiative for Peace had been created to work within the International Decade. It was intended to promote the participation of indigenous peoples, who believed that silence should be broken and that nothing came without work and sacrifice.

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Statements

HANS JAKOB HELMS (Denmark), speaking on behalf of the Nordic countries, said the international community had a duty to try to bring the issue of indigenous peoples to the level of international interest. The Nordic countries were committed to drafting a universal declaration on indigenous rights. The call for the United Nations to establish a permanent forum for indigenous people, as well as the decision to establish a decade for indigenous people, demonstrated the awareness of the need to bring indigenous values and rights into focus. The decade would hopefully spark initiatives to solve the problems still affecting indigenous people worldwide. The Nordic countries, therefore, hoped that a resolution on a permanent forum in the United Nations system would be adopted at this session.

DATO' MUSA HITAM (Malaysia) said that for centuries indigenous people had found themselves impoverished, disadvantaged and subjected to exploitation or benign neglect. Efforts to help them must not be exercises in tokenism. In Malaysia, indigenous people's rights were protected by the Constitution. Many indigenous groups in Malaysia still practised their traditional modes of life in their natural environment. The Government was fully conscious that development for the indigenous people must be sustainable and not environmentally destructive. A "small group of jet-setters and well-heeled agitators" had made not only underdevelopment, but separate development, of the indigenous people their only agenda. The international community had to decide whether it believed in a preservation-in-reservation policy for indigenous people or in modernizing them. Malaysia believed in the latter.

RENEE STEIN BRIDEL, of the International Association of Democratic Lawyers, said that the physical exploitation of children for prostitution or involuntary organ donation was a difficult thing to stop. The Association had wanted to show a film on organ stealing to the Commission. A special rapporteur on trafficking in organs should be mandated to review testimony and, if possible, bring those responsible to justice. The sexual slavery imposed on foreign women by the Japanese Army during the Second World War cried out for compensation. Japan still showed little inclination to resolve the issue. It seemed intent on delaying facing up to the matter until all surviving victims had died. No statutory limitation could be accepted for such monstrous abuses.

LARS-ANDERS BAER, of the Saami Council, said that a permanent forum of indigenous people should be established at the highest possible level in the United Nations system to address all indigenous concerns. He hoped that the International Decade of the World's Indigenous Peoples would improve their situation worldwide and further mutual understanding and respect between themselves, States and intergovernmental organizations. The current level of self-government among the Saami people in the Nordic countries was rather limited and the question of Saami membership in the Nordic Council was on the agenda of the March session in Stockholm. Neither Norway, Finland, Russia nor Sweden had resolved the clearly expressed aspirations of the Saami on the question of the ownership and administration of Saami lands and territories.

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He went on to say that aggressive campaigns by Swedish hunting associations demanding free access to traditional Saami hunting grounds gathered big support in the Parliament. Any attempt to "confiscate" private Saami property was going to be rejected . Unless an agreement between the Swedish Government and the Saami people was reached, the issue would probably be brought up in courts in Sweden and internationally. He hoped that the question of indigenous land rights in Russia would be addressed in the new Russian Constitution.

GOVIND NARAIN SRIVASTAVA, of the Indian Institute for Non-Aligned Studies, said that for non-governmental organizations from developing countries, the most pathetic aspect of the human rights situation was the tragic proliferation of conflicts arising from a lack of tolerance. One system that needed to be condemned, particularly in India, was the abhorrent caste system. The Institute was particularly pained that the persecution of non-Muslim minorities continued to thrive in the region, as in Pakistan. The Supreme Court of Pakistan had opened the way for official sanction of the persecution of a sect called the Ahmadias, on the grounds that they were non-Muslims.

Many cases of harassment against members of the Christian community had also been brought to light, including violence against Christian women, encroachment on Christian properties, destruction of churches and the abuse of their religion. The Sindhi community in Pakistan continued to be seriously affected by official and unofficial persecution. Another case to bring to international attention was the persecution of a prominent lady novelist in Bangladesh, who had been issued a fatwa by some clerics for the publication of her book, "Tasleem".

TED MOSES, of the Grand Council of the Crees of Quebec, said that the draft declaration on the rights of indigenous peoples was not a perfect document, by any means, and it was certainly not an indigenous document. It contained compromises insisted upon by Member States and could have contained much stronger and more explicit language to protect rights. Nevertheless, it represented a reasonable declaration of a minimum standard. The Council noted with some satisfaction that the draft declaration did correctly and accurately refer to indigenous "people" in the collective plural "peoples" spelled with a final "s". He hoped that the Subcommission would approve the current draft without amendment during its 1994 session, and send it to the Commission for consideration and approval during its fifty-first session.

WILFRED WONG, of the International Association for the Defence of Religious Liberty, hoped that the stated willingness of the Subcommission's resolution to contribute further to the strengthening of international efforts to promote and protect the right to freedom of religion and belief would be translated into positive action soon. The death penalty under shariah law for conversion from Islam to another faith should be dealt with at the international level, because it was a blatant violation of international human rights law. In addition, the Commission was urgently called upon to send a

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delegation to Iran to investigate the persecution of the church and the murder of Bishop Hovsepian-Mehr. The speaker also provided examples of religious extremism in Egypt, Iran, Pakistan, Saudi Arabia and the Sudan.

DENIS MARANTZ (Canada) said that Canada was committed to building a new partnership with its aboriginal people. The cornerstone of that new relationship was that the Government would act on the premise that the right of self-government was an existing right within the Constitution. To that end, the Government had initiated a series of discussions with national and regional aboriginal groups, provincial and territorial governments and interested third parties to listen to their views on how best to implement that right.

In addition, he said, the Government was committed to making real progress in community development, housing and infrastructure, education and training, health and healing, and the justice system. Canada's support for the International Decade was contingent on the development of a clear and practical strategy for realizing the objectives of the Decade and a realistic funding plan in support thereof. Canada had, over 20 years, experience in dealing with indigenous land claims, and resolution of outstanding claims continued to be a priority. In preparing for Commission consideration of the draft declaration, Canadian officials would be meeting with Canadian aboriginal representatives.

ALEXANDRA GOSPODARCZYK (Poland) said that the work of the Subcommission could not be overestimated. Attempts to reform the work of the Subcommission should be guided by the understanding that diluting the standard of its work was a much more serious risk than disappointment caused by its not dealing with all human rights issues. A constructive reconsideration of the relationship between the Commission and the Subcommission might be required to ensure better cooperation. It was necessary to rationalize the allocation of time for various forms of Subcommission activities, to allow better flow of information concerning those activities, and further strengthen the independence of the Subcommission's experts.

COLIN WILLIS (Australia) urged the Subcommission to finalize its consideration of the draft declaration at its next session, so that the draft might be referred to the fifty-first session of the Commission next year. The Commission should decide at that session to establish its own working group, to advance consideration of the text. It was time, however, to review the mandate of the working group on indigenous populations. A related question was that of the establishment of a permanent forum in the United Nations system for consideration of indigenous peoples issues. One possibility was a transformation of the working group. Whatever the final answer, it was essential that the views of indigenous groups be taken fully into account. One of the lessons of the International Year had been that lasting results could not be achieved without careful planning, coordination and implementation in close collaboration and consultation with indigenous peoples.

C.U. GWAM (Nigeria) emphasized the necessity for the international community to assist the majority of South Africans who had long been denied

the basic right to vote. Apart from ensuring fairness at the polls through provision of an adequate number of observers, assistance should be given to the post-apartheid democratic government that would emerge. That government would need assistance to fulfil the aspirations of the majority of South Africans, who were denied the basic human needs of life, such as decent housing, education, health care and employment.

Nigeria endorsed unreservedly Subcommission resolution 1993/3 which, among other things, recommended that the Special Rapporteur on contemporary forms of racism examine "situations in the various regions of the world, beginning with incidents which are increasing in the developed countries, as well as theories and attitudes of racial superiority which incite them". The Commission should support the proposal of the Special Rapporteur in his preliminary report to hold a seminar on "Extreme Poverty and Denial of Human Rights".

PEDRO OYARCE (Chile) said that indigenous peoples had been the most outcast, the least heard, and the most humiliated, and it was time to repair the damage. Helping them meant additional resources were needed. Thus, a voluntary trust fund was needed. The draft declaration must allow full participation of indigenous peoples in shaping their futures. It should serve as a guide for development of national policies regarding the rights of indigenous peoples. Treaties, conventions and cultural property must be respected. A permanent forum was needed to represent those peoples and to deal with their problems.

GILBERTO VERGNE SABOIA (Brazil) hoped that the working group would elaborate a concise, balanced and realistic text which could be adopted by its parent bodies. Brazil's Constitution included a chapter on indigenous rights, which enshrined many of the concepts discussed in the draft declaration, recognized the right of indigenous people to have their own social organization, language, creeds and traditions, and the right to the land they traditionally occupied. Furthermore, it guaranteed the right of indigenous people to be consulted on any exploitation of their land and prohibited their forced removal from their lands.

Some provisions of the draft gave rise to concern, he said. That included one provision by virtue of which indigenous populations would be attributed the right to self-determination, as defined by international law, and tended to incorporate new and insufficiently matured concepts that were not, in their present formulation, consistent with constitutional and international law practices. The working group could be maintained at its present level, with the necessary adaptation of its mandate.

VESSELIN PETROV (Bulgaria) emphasized the particular importance he attached to the question of "Independence of the judiciary and the protection of practising lawyers". One of the main goals of the still ongoing legislative reform in Bulgaria was to establish a professional, efficient and independent judiciary. He supported the recommendation by the Subcommission to create a special rapporteur to follow up the question of the independence and impartiality of the judiciary. Regarding the draft decision to appoint a

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special rapporteur to prepare a report on the "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", as well as a draft declaration on the same question, the study should be based on the results achieved by the International Law Commission. Gross and massive violation of human rights committed by organs or agents of a State should be considered an international crime.

CEES FLINTERMAN (Netherlands) said that over the past few years, growing doubts had been expressed about the methods of work and the proliferation of activities of the Subcommission. In addition, the rationalization of its agenda, its role in country-specific situations of human rights violations and the question of strengthening the independence of its members had not been dealt with a satisfactory way. Over the last years, the working group on contemporary forms of slavery had not been able to function in the way one might expect. It could be that its present mandate did not allow it to operate effectively. The recommendation of the Subcommission should be postponed until next year's session of the Commission, to allow the Subcommission to clarify its position on the whole issue of an effective mechanism. The Subcommission should give priority to the right to restitution, compensation and rehabilitation for victims of violations of human rights and fundamental freedoms and to submit concrete proposals for further action to the Commission on Human Rights at its next session.

Right of Reply

ANWAR HASHIM (Bangladesh) said the non-governmental organization that had alleged that a Bangladeshi lady novelist was in hiding due to a fatwa had made several factual errors. The group charged with issuing the fatwa had denied doing so. The novelist was not in hiding, but was living in her own apartment. She had asked for, and had been granted, police protection. The Bangladeshi Government did want to thank the non-governmental organization, however, for saying that Bangladesh supported education and career opportunities for women.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/525
16 February 1994

HUMAN RIGHTS COMMISSION DEBATES REPORT OF ITS SUBCOMMISSION ON MINORITIES

GENEVA, 16 February (UN Information Service) -- The fiftieth session of the Commission on Human Rights this morning concluded its general debate on the report of the last session of the Subcommission on Prevention of Discrimination and Protection of Minorities, which was held in Geneva last August.

Several speakers referred to the achievements of the working group on Indigenous Peoples, headed by Erica-Irene Daes and others welcomed the innovations of the Subcommission, such as the Special Rapporteur on Freedom of Opinion and Expression. One speaker recalled that the Subcommission was "a think-tank, not an ivory tower" and said that the review and rationalization of the work of the Subcommission was "an essential act of self-discipline". It was pointed out, however, that the reports of the experts burdened an already stretched Secretariat. If the Subcommission was to serve effectively as a think-tank for the Commission, a speaker pointed out, it should not be overburdened and diverted from its mandate to undertake studies and to make recommendations to the Commission.

Among the many issues considered by non-governmental participants this morning were the objectives of the International Decade for the World's Indigenous People. One speaker said that many countries appeared to fear that indigenous peoples would secede from existing States, but he added that was an absurd and prejudicial argument, as it was a given that those peoples already had their own languages, cultures, territories and histories. Indigenous people deserved a higher standard of respect and understanding and a permanent forum in the United Nations, he said.

Delegates from Cyprus, Austria, Mexico, France and India spoke this morning. Observers from El Salvador, Ukraine, Democratic People's Republic of Korea and Egypt also took the floor. The Sudan and Egypt spoke in exercise of the right of reply.

Representatives of the following non-governmental organizations participated in the debate: World Muslim Congress; International Association of Educators for World Peace; Indian Council of South America; Anti-Slavery Society for the Protection of Human Rights; International Abolitionist

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For information media—not an official record

Federation; International Organization of Indigenous Resource Development; Third World Movement Against the Exploitation of Women; International Fellowship of Reconciliation; Women's International League for Peace and Freedom; and the World Council of Churches.

Statements

LORIA MARKIDES (Cyprus) said that some benefits of the International Year of the World's Indigenous People could already be seen. For example, a Voluntary Fund was opened and Governments, including Cyprus, and other interested organizations and individuals had made contributions. The International Labour Organisation (ILO) was promoting the ratification of its Indigenous and Tribal Peoples Convention and the situation of indigenous people was on the agenda of the World Conference on Human Rights. The working group on Indigenous Peoples, the main and unique international forum for indigenous people, should continue to review developments affecting indigenous people and elaborate standards for the protection of their rights. In that respect, she urged the Subcommission to consider the draft declaration during its next session and to submit it to the Commission on Human Rights for further consideration.

MICHAEL DESSER (Austria) said that the subjects with which the Subcommission was dealing revealed that it was "a think tank, not an ivory tower." Austria welcomed the improvement in the coordination with the Commission and believed that a review and rationalization of work was an essential act of self-discipline for the Subcommission. It was important to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Subcommission. Restraint in selecting the number and the subject-matter of the studies, and the number of resolutions it adopted, could permit better use of the means and resources of the Subcommission. In view of the political environment of the Subcommission, it was essential that experts kept their independence vis-à-vis their Governments and pressure groups. Consideration should therefore be given to the curricula of the candidates, as opposed to their nationalities.

ERENDIRA PAZ (Mexico) said that strengthening international cooperation, environmental protection, human rights, health and education of indigenous peoples were priorities. It was time to overcome the stage of talking and move on to specific measures, including assuming commitments to assure the human rights, well-being and development of indigenous peoples. Mexico had established in its Constitution an article to protect indigenous peoples and work had begun to prepare a bill on that article. In addition, agrarian courts had been established. A National Commission had been set up to coordinate activities and define policies to improve the education, health, labour and cultural situation of indigenous peoples and ensure their human rights.

XAVIER DAUFRESNE DE LA CHEVALERIE (France) said that the Subcommission's contribution in terms of the Special Rapporteur's reports on freedom of opinion, the independence of the judiciary, impunity and the rehabilitation of victims of violations of human rights and of extreme poverty, was invaluable.

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It was clear, however, that the Secretariat could no longer cope with the burdens put upon it by the Special Rapporteurs' reports and that called out for a rationalization of the work of the Subcommission. However, criticism of the Subcommission was sometimes excessive and its mandate should not be restricted. Each resolution deserved its own discussion, he said, particularly those on contemporary forms of slavery and on the definition of human rights violations as an international crime.

NEELAM D. SABHARWAL (India) said the effect of terrorism on human rights needed further study. Currently, terrorism financed from abroad and based on religious differences was being used in an attempt to usurp territory from India and to undermine India's tradition of democratic Government. Terrorists had tortured, killed and raped innocent civilians and had assassinated political figures. Terrorism was a world cancer that must be fought and the Subcommission should be requested to carry out a full study of the phenomenon. It also was necessary to study the legal and constitutional aspects of discrimination carried out by Governments.

CARLOS ERNESTO MENDOZA (El Salvador), addressing the human rights of disabled peoples, said it would not be necessary to state that they were entitled to human rights if it were not for the fact that such rights were all too frequently denied. The report of the Special Rapporteur to the Subcommission, Leandro Despouy, stressed the importance of eliminating the obstacles blocking the human rights of disabled people. He hoped that the Commission would adopt a resolution to appoint an Ombudsman for the human rights of disabled peoples.

YAROSLAV KOVAL (Ukraine) said that studies undertaken by and requests made of the Subcommission often fell outside its original mandate. Its workload was increasing in line with expansion of the work of the Commission and it was important to reduce the number of matters both bodies dealt with simultaneously. The plan to set up a working group on working methods of the Subcommission was a good idea. It was difficult, but necessary, to balance the demands of time and resources. Certainly, the Subcommission should continue its valuable work on the human rights of minorities.

PAK DOK HUN (Democratic People's Republic of Korea) praised the Subcommission for its deep concern for the protection of women and the issues of impunity and reparation for victims. One of the main factors for the continued occurrence of gross human rights violations was ascribable to the impunity and the lack of full investigation and disclosure of past crimes and reparations. No statutory limitations should apply to crimes against humanity. The inhumane crime committed by Japan in the past was an international issue which had affected millions of Asian and European victims and their families in all regions trampled underfoot by the "Imperial Army". Japan should make a thorough investigation of the truth of the "comfort women for the army" and bring those responsible to criminal justice and make sincere reparations. He called for an in-depth study on systematic rape, sexual slavery and slavery-like practices.

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AMANY EL ETR (Egypt) said that the Subcommission should go beyond academic studies and concentrate on new realities. The proposed working group on streamlining the Subcommission's methods of work therefore had Egypt's support. Coordination of the work of all human rights bodies, in order to avoid duplication, was obviously a good idea and should include review of the tasks undertaken by the Subcommission.

MAQBOOL AHMAD, of the World Muslim Congress, said he did not support a solution based on the enforced partition of Bosnia and Herzegovina because the "peace plan" based on partition of the Republic had practically no chance of working. The present situation, often called "the situation on the ground", had been artificially created through external aggression and crimes against humanity. It was unfair to appeal to the Bosnian Muslims to support an unjust partition of their country and it would be against the resolutions of the Security Council and General Assembly affirming the territorial integrity of Bosnia and Herzegovina. The only viable solution was that Bosnia and Herzegovina should remain as one State. The forces of the Bosnian Government should be strengthened. The action of the Subcommission on the situation in Kosovo deserved the urgent and full support of the Commission.

WILDA SPALDING, of the International Association of Educators for World Peace, said her organization had long supported the active relationship between human rights and the environment, especially in the context of environmental causes of disability. With the birth of the United Nations Commission for Sustainable Development, she again suggested that a system of co-rapporteurs be developed. The Commission had unanimously passed a resolution accepting the historic report on human rights and disability. Once again grave concern was being raised concerning the lack of implementation of the resolution. Resolutions needed action.

THOMAS CONDERI, of the Indian Council of South America, said he was concerned about the indigenous people in Chiapas, Mexico, and appealed for the Government to respect their rights. That was not a guerrilla war, but a demonstration against the bad conditions under which those people lived. There was a risk that the frustrated peoples would rise up to end their suffering and claim their rights. Armed struggle was a last resort that caused more suffering for indigenous peoples. In Bolivia, the social and economic situation of indigenous peoples was serious. There were no sewage systems, roads or adequate drinking water. The Indian organizations and movements had always seen their efforts frustrated because of a lack of education, funds and knowledge of the workings of State institutions. Better training was needed to help prepare projects and administer affairs, so that rights could be reclaimed.

SALEM MEZHOUD, of the Anti-Slavery International, said that the clauses providing for implementing machinery were taken out before the adoption by the United Nations of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. There had been only two periods when there were effective international implementing mechanisms, from 1890 to 1914, with the International Slavery Bureau, and from 1993 to 1939, with the League of Nations Standing Advisory Committee of

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Experts on Slavery. The present working group had struggled for 20 years within a mandate that called for only receiving information, never seeking it. Despite the development, in the second half of the twentieth century of a comprehensive body of human rights standards, slavery and servitude resisted abolition. A working group could fufil its role adequately, provided it was given a strengthened mandate.

HELENE SACKSTEIN, of the International Abolitionist Federation, said that many IAF affiliates had managed to sensitize public opinion to the causes and consequences of the traffic and sexual exploitation of human beings for commercial purposes. Some countries in Asia and in Europe had recently adopted legislation to deal more effectively with the world-wide networks of the sex trade. She was grateful for the Subcommission's working group on contemporary forms of slavery for bringing the issue to the awareness of the international community. A working group of independent and experienced experts of the Commission, who would seek and receive information and monitor the application of conventions on slavery, would provide an important focal point for information and action.

ROBERT ELKSTEIN, of the International Organization of Indigenous Resource Development, said indigenous peoples were not seeking a special category of rights or special recognition. They wanted their human rights recognized. That was all. Many countries appeared to fear that indigenous peoples would secede from existing States, which was an absurd argument, as those peoples had their own languages, cultures, territories and histories. Why were they not entitled to them? Those who objected to indigenous rights objected to international human rights standards. They wanted different categories -- some people would have the right to self-determination, but not indigenous peoples. It was not acceptable to rely on existing laws and say the rights of indigenous peoples could not contravene them. Many laws were unjust, as apartheid had demonstrated. Indigenous peoples deserved a higher level of respect and understanding from the United Nations and a permanent body to represent them was needed.

INDAI LOURDES SAJOR, of the Third World Movement Against the Exploitation of Women, said that many non-governmental organizations had brought the case of some 200,000 Asian "comfort women", a euphemism for the sexual slaves of Imperial Japan during the Second World War, to the attention of the United Nations. She regretted that Japanese national institutions did not provide effective remedies for the victims. According to a senior conservative politician, 142,000 comfort women died during the War. The Commission should immediately create an international tribunal, which could punish the perpetrators of such crimes and demand reparations for the victims. The Japanese Government should be pressed to request the Secretary-General as follows: "Japan wishes that the Secretary-General, using his good office, to set up an International Arbitration Tribunal to consider applications against Japan from alleged individual victims." Japan should be invited to donate at least $180,000 for each deceased victim to the United Nations, so that it could create a special fund to be used proportionately to amend the damage in victimized countries.

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DAVID LITTMAN, of the International Fellowship of Reconciliation, said that on more than a dozen occasions over the past five years, both here and at the Subcommission, his organization had highlighted a grave omission by the Subcommission that related to the action of a member State of the Commission, which was consistently violating a basic human right: the right of freedom of opinion and expression. The international community was entitled to an unequivocal clarification on that precise point from the Secretary-General of the Islamic Conference, who was to address the Commission tomorrow, and other Islamic representatives as to whether the punishment for an apostate was still binding today. The Rushdie Affair had begun as a somewhat exotic infection that many tried to ignore. But the infection festered and was eating away at international norms and attacking the very heart of the Bill of Human Rights. A fundamentalist wave of assassinations was flooding several Islamic countries, carrying away in its wake Muslim intellectuals, writers and journalists, all those considered by religious extremists as heretics and, therefore, legitimate targets. Those tragic events in Egypt, Algeria, Turkey and elsewhere represented the tip of a submerged iceberg, which was now visible in Mediterranean waters, floating northwards.

SAMIRA ARBACH, of the Women's International League for Peace and Freedom, said that damage to the environment had a direct effect on the enjoyment of human rights. Human life depended on clean air, water and land. Violations continued, partly because people were not informed about Government activities and the abuse of resources. Destruction of the environment was a war tactic used by the military. In Mozambique and Afghanistan, for example, mines killed people and damaged the environment. In war and peace, all military activities affected the environment and industry linked to the military used up vital natural resources. A meeting of experts should be organized to look at that problem and the meeting should be open to non-governmental organizations.

HEISOO SHIN, of the Commission of the Churches on International Affairs, World Council of Churches, asserted that the initial progress in the attitudes of the Japanese Government and its new leader regarding the issue of military sexual slavery by the Japanese Imperial Army during wartime had retreated over the last five months. The demands for justice and due reparation as a legal responsibility for the victims and organizations representing them had been ignored. Japan was still saying that it was considering "what it could do to express its feelings of remorse", implying that it was thinking of some kind of fund in lieu of compensation. The Prosecutor's Office, however, refused to even receive the complaint, which flatly showed that the Government did not admit that it was a criminal act. That, while the German Government was still punishing Nazi criminals and paying reparations to victims and the United States Government had decided, in 1988, to extend official apologies and compensation to surviving American citizens of Japanese descent wrongfully forced into internment camps during the Second World War. He hoped the Commission would approve the Subcommission's resolution to appoint Linda Chavez as Special Rapporteur on Slavery during Wartime and urge Japan to punish those responsible for the crimes and pay reparation.

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Rights of Reply

JOHN ANGOL (Sudan) said the International Association for the Defense of Religious Liberty had concentrated on Muslim countries in its statement. Its intent obviously was to suggest that Islam was an intolerant religion. Islam had always been tolerant. Muslim countries were scrupulous about allowing people of other religions, including Christians, to enjoy equal rights. The same could not be said of Christian Europe, where Muslims were subject to "ethnic cleansing", rape and killing in the former Yugoslavia. The Sudan wondered if the Association deserved the title under which it operated and if it deserved the right to speak before the Commission. As for its charges against the Sudan, the Sudan held them to be beyond contempt and not worthy of comment.

REDA BEBARS (Egypt) stated that the International Association for the Defense of Religious Liberty knew nothing about the facts. Egypt had long been a country of refuge, and there was an amalgamation of peoples from all backgrounds and religions. The Constitution reaffirmed equality and the State guaranteed freedom of belief and religion. In fact, it was a crime to persecute someone on the basis of religion. It was not, however, a crime to change religions. The State guaranteed places of worship and sanctions were placed against acts against them such as terrorism. Furthermore, some Egyptian ruins needed restoration because of the ravages of time and the past earthquake. Although there were limited resources, a campaign had been launched to raise funds.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/526
18 February 1994

COMMISSION BEGINS CONSIDERATION OF HUMAN RIGHTS OF PRISONERS AND DETAINEES

GENEVA, 16 February (UN Information Service) -- The Commission on Human Rights this afternoon took up the subject of the protection of the rights of all persons subjected to any form of detention or imprisonment. Two special rapporteurs and three chairmen of working groups addressed various aspects of the problem.

The Chairman and Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Ivan Tosevski, said that the past year had demonstrated that the policy and practice of many States ran counter to the International Declaration on the subject. The most glaring example was in the former Yugoslavia, where there had been no fewer than 11,000 reported cases of disappearances in 1992, and it was likely that there would be many more. There was a clear need for the United Nations to take action.

The Special Rapporteur on the Question of Torture, Nigel Rodley, said he had not received invitations to visit member countries over the preceding year. He had not been invited, for example, by Indonesia to investigate the question of torture in East Timor, despite a resolution by the Commission urging that country to solicit visits by rapporteurs and working groups.

The Chairman and Rapporteur of the Working Group on Arbitrary Detention, Louis Joinet, said that during 1993 the group had received 183 reports, information on which was then transmitted to 31 Governments. It had also addressed 18 urgent appeals to 14 Governments.

The Chairman of the Working Group on the Draft Optional Protocol to the Convention against Torture, Jorge Rhenan Segura, said the best way of fighting torture was to have access to places of detention, because by nature torture was carried out in secret. He described the draft convention as preventive in nature.

The recently appointed Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Abid Hussain, said he would pursue the topic with the conviction that freedom of opinion and expression, including a free press and an independent media, were indispensable prerequisites for democratic, pluralist, humanist societies.

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For information media--not an official record

The Commission, having earlier concluded discussion of its agenda item on the annual report of the Subcommission on Prevention of Discrimination and Protection of Minorities, went on to hear statements from country representatives and non-governmental organizations on issues related to the rights of prisoners and detainees.

Statements were made by delegates of: Chile, Cyprus, and Greece on behalf of the European Union. The observer for Nicaragua also addressed the Commission. Cuba spoke in exercise of its right of reply.

The following non-governmental organizations also made statements: International Indian Treaty Council; International Federation of Human Rights; Fondation Danielle Mitterrand; International PEN; World Society of Victimology; and the Movement against Racism and for Friendship among Peoples.

Background Documentation on Detention, Torture

Before the Commission was a report of the Working Group on Enforced or Involuntary Disappearances (document E/CN.4/1994/26), which concluded that: the policy and practice of many States regarding disappearances ran counter to the Declaration; the phenomenon of disappearances was still rampant; and the former Yugoslavia stood out as an armed conflict of dramatic proportions that had resulted in thousands of cases of disappearance. The Working Group remained concerned at the continuing problem of the inadequacy of resources placed at its disposal for fulfilling its task. Information was received from 60 countries.

Also before the Commission was a report of the Working Group on Arbitrary Detention (document E/CN.4/1994/27), which stated, among other things, that arbitrary detentions were a permanent feature of all regimes, although more frequent and more serious in repressive regimes. It expressed concern over the fact that cases declared arbitrary included a large number involving persons who had been deprived of their freedom for some years, and that accusations of "treason" were used for acts that were completely unrelated to the conventional concept of treason. Among its recommendations were that the Commission should take appropriate measures for Governments to release promptly the persons whose detention had been declared arbitrary; and that habeus corpus was one of the most effective means to combat the practice of arbitrary detention.

On the question of promotion and protection of the right to freedom of opinion and expression, the report of the Special Rapporteur (document E/CN.4/1994/33),was also before the Commission. The report contained only preliminary considerations that will be revised, refined, or developed in subsequent reports.

Also before the Commission is a letter dated 28 April 1993 from the Permanent Mission of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission (document E/CN.4/1994/93), which refers to document E/CN.4/1993/103 dated 1 March 1993 by the Permanent Representative of Turkey. The letter states that the Turkish document is contrary to the

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provision of paragraph 3 of United Nations Security Council resolution 555 (1984). Furthermore, it states, the action of Turkey's representative "constitutes another glaring example of the attempt of the Turkish Government to evade its responsibilities and obligations as envisaged by the human rights instruments and the international humanitarian law, concerning the Greek Cypriots who disappeared during and after the Turkish invasion of Cyprus in 1974".

On the question of the human rights of all persons subjected to any form of detention or imprisonment, the Commission has before it an updated report of the Secretary-General on the detention of international civil servants and their families (document E/CN.4/1994/30). It states that the safety of United Nations personnel serving in peace-keeping missions became a paramount issue in the Sixth Committee at the forty-eighth session of the General Assembly. In that regard, the Sixth Committee established a working group to discuss the issues further. Its Chairman, on 15 November 1993, stated that there was no disagreement that a new instrument should cover United Nations military and civilian personnel, including staff of specialized agencies and entities having a defined legal connection with the United Nations who are employed in an operation authorized by the Security Council.

On 9 December 1993, the General Assembly decided to establish an ad hoc committee to elaborate an international convention on "the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on them". In an annex, the report offers a consolidated list of staff members under arrest or detention. The report notes, among other things, that 30 staff members belonging to different organizations have lost their lives since the beginning of 1992.

Regarding the issue of torture and other cruel, inhuman or degrading treatment or punishment, the Commission had before it a report of the Special Rapporteur (document E/CN.4/1994/31). It states that the Special Rapporteur transmitted during the period under review 84 urgent appeals to 31 Governments concerning roughly 400 individuals (at least 12 known to be women), as well as several groups of persons, with regard to whom fears of torture had been expressed. He also sent 42 letters containing about 500 cases (about 30 known to be women) or incidents of alleged torture. In addition, 20 countries provided the Special Rapporteur with replies on about 250 cases submitted during the current year, whereas 17 did so with respect to roughly 130 cases submitted in previous years.

In his recommendations, the Special Rapporteur expressed appreciation for the spirit of cooperation shown by those Governments that had responded to information he had transmitted to them. Yet, he could not conceal his disappointment at the incidence of responses that seem more designed to camouflage than deal with serious situations characterized by torture. Such responses included flat denials, references to unspecified or unsubstantiated investigations, and references to legal procedures that had already been so compromised as to be incapable of affording the inquiry or information or remedy they were alleged to be able to afford.

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The Commission also had before it a report of the Secretary-General on human rights and forensic science (document E/CN.4/1994/24). In addition, there was a report (document E/CN.4/1994/25) of the Working Group on the draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, on the question of human rights of all persons subjected to any form of detention or imprisonment, and an addendum with additional comments and suggestions. Other documents falling under that agenda item were reports of the Secretary-General on the status of the Convention against Torture (document E/CN.4/1994/28) and on the United Nations Voluntary Fund for Victims of Torture (document E/CN.4/1994/29).

A note by the Secretariat (document E/CN.4/1994/88) on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, contains suggestions for the draft declaration on the rights of those who seek to be safeguarded from torture.

Statement on Report of Subcommission

MARIO IBARRA, of the International Indian Treaty Council, said that the proposals and recommendations made by the Subcommission were an essential supplement to the successful realization of an international decade for indigenous peoples. The decade should not be devoted only to statements and symbolic actions. There should be honest progress towards protecting the rights of indigenous peoples, and indigenous peoples must be fundamentally involved in the process. A permanent agency to represent them was also necessary. The Commission should invite the submission of ideas to the working group on indigenous peoples. The Centre for Human Rights must be provided with the staff and resources to meet the needs of the decade. There also should be funds to benefit indigenous communities.

Introduction of Reports

JORGE RHENAN SEGURA (Costa Rica), Chairman of the Working Group on the Draft Optional Protocol to the Convention against Torture, introducing the Group's report, said the best way of fighting torture was to have access to places of detention. By its nature, torture was carried out in secret. The draft Convention was preventive in nature. The intent was not to confront or embarrass Governments, but to establish cooperation and agreement on universal obligations to protect the rights of persons deprived of their freedom. Visits carried out under the Protocol would consider the condition of those detained. A major principle would be confidentiality. The point would be to establish a dialogue between investigators and Governments.

ABID HUSSAIN, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, said that to date he had held initial consultations on the subject. Freedom of opinion and expression, including a free press and an independent media, were indispensible prerequisites for democratic, pluralist, humanist societies. The difference between freedom and totalitarianism was not transient or incidental, but a moral conflict which gave the modern age its special meaning and peril.

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NIGEL RODLEY, Special Rapporteur on the Question of Torture, said that since completion of his report, he had received responses from 15 more Governments, and those would be reflected in the document he would present next year. On the issue of the sometimes brutal activities of groups engaged in armed opposition to the Governments of some countries, he said he did not consider that his mandate extended to such activities, although he was concerned about situations involving terrorism, insurrection and other challenges to normal law enforcement. To date, he had not received an invitation to visit a member country. He had not been invited, for example, by Indonesia to investigate the question of torture in East Timor, despite a resolution by the Commission urging that country to solicit such visits. The continuing shortage of resources for combating torture would not be so pressing were it not for the shocking extent of torture in the world.

LOUIS JOINET, Chairman and Rapporteur of the Working Group on Arbitrary Detention, said that during 1993 the group had received 183 individual cases, which were transmitted to 31 Governments. It had also addressed 18 urgent appeals to 14 Governments. During three sessions of the Working Group in 1993, it had adopted 67 decisions concerning 286 individual cases. Following authorization by the Commission for the Working Group to take up cases on its own initiative, the panel had adopted guidelines.

IVAN TOSEVSKY, Chairman and Rapporteur of the Working Group on Enforced or Involuntary Disappearances, said that although the panel had invited Governments and non-governmental organizations to provide it with information on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances, only a few had responded. The past year had shown that the policy and practice of many States ran counter to the declaration. During 1993, the Working Group had transmitted over information relating to 3,000 new cases of enforced disappearances to a total of 30 Governments. Among them, some 523 had been received in 1993, while the rest were part of the Group's backlog. The number of countries in which disappearances had allegedly occurred since establishment of the Working Group had gone up from 58 to 63. No fewer than 11,000 cases of disappearance were reported from the former Yugoslavia in 1992, and the Group feared that many more cases would be forthcoming. Clearly, the dimensions of the problem were astounding, and the need for the United Nations to take appropriate action was self-evident.

Statements

GUILLERMO YUNGUE (Chile) said that arbitrary detention was a human rights violation with insidious effects on other human rights. Unfortunately, constitutional states of emergency were used arbitrarily to detain opposition leaders, members of minorities, trade union or human rights organizations. It was thus used as a method of political and social repression. The lack of resources hampered the Working Group's activities, and he hoped that would change in the future. In Chile, a bill of personal freedom was being considered by Parliament to give full expression to that democratic right.

LORIA MARKIDES (Cyprus) said that in fulfilling its obligations under the Convention against Torture, Cyprus had submitted its initial report to the

Committee against Torture last November. The Committee praised the report and commended Cyprus for its very advanced legislative and administrative scheme for the implementation of human rights values. For nearly 20 years now, the people of Cyprus had witnessed the endless pain of families of the missing persons. That purely humanitarian problem, which was the most tragic aspect of the invasion of Cyprus, remained unresolved despite numerous United Nations resolutions on the issue.

Despite conventions providing for the right of families to know the fate of their relatives, the occupying Power refused to account for the fate of the missing. It was a source of frustration and deep disappointment for the relatives of the missing that the Committee on Missing Persons in Cyprus, a tripartite investigatory committee established in 1981, had not been able to produce convincing evidence for even a single case of missing persons. Thus, the fate of more than 1,600 persons, including women, children and foreign nationals, had not yet been ascertained. Cyprus appealed to the Commission to act decisively to ensure the full restoration of human rights in Cyprus and thus alleviate the suffering of the relatives of the missing.

JOHN BOUCAOURIS (Greece), speaking on behalf of the European Union, said that despite the repeated encouragement to Governments expressed by the Commission to invite the Special Rapporteur on Torture to visit their countries, no Government had taken the initiative to invite him. He urged all countries that had not done so to ratify the United Nations Convention against Torture. Despite the adoption of specific legislation to curb and punish perpetrators of torture and ill-treatment, very few law enforcement officers or other public servants had been investigated and sentenced.

The Union emphasized the importance of the Principles of Medical Ethics relating to the protection of prisoners and detainees against torture, he said. Regional mechanisms could play an important role in the prevention of torture. The Union further stressed the importance of increasing assistance to, and compensation for, victims of torture and said that more effective remedies should be provided for their physical, psychological and social rehabilitation.

NORMAN J. MIRANDA (Nicaragua) said the current Government was promoting equally the human rights of all, and not just those who supported the Government. The effort to promote the right to life was even more praiseworthy, in light of the past bloody civil war. Nicaragua was working for all different categories of human rights, since they all strengthened the right to life. From 1989 to 1994, there was an infinite improvement in the record on human rights. Despite the progress, he had the impression that Nicaragua was being evaluated on the same level as more developed countries. Nicaragua still had a long way to go. In 1993, there were no reports of disappearances. The report on disappearances, however, did not say whether the violations of the right to life were disappearances. The Group should keep to cases of disappearances and not go beyond its mandate.

ROGER NIEGO ARANA, of the International Federation of Human Rights, addressed spoke about the situation of the administration of justice in Peru,

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Syria, Algeria, Tunisia and Gabon. In Peru, following a killing in 1992, soldiers responsible for the act had gone free under the Military Justice Act. On 7 February, the Peruvian Congress passed a law making flexible the laws pertaining to the military courts' jurisdiction. In Syria, the 31 year-old state of emergency was a way to systematically and flagrantly violate basic human rights basic to getting a fair trial. About 5,000 people were still detained and about 100 were condemned to a process of law by emergency court procedure.

In Algeria, he added, the emergency courts were dealing with 10,000 people under the state of emergency in the south of the country. The Commission should put the situation in Algeria on its agenda. In Tunisia, cruel and inhuman treatment, including torture during incommunicado detention, was practised in police stations. The Commission should consider the question of flagrant and systematic violations of the right to fair trial in Tunisia. In Gabon, immigrants had been interned and detained without trial. The Federation called on the Gabonese authorities to free all detainees and called on the Commission to request that treatment of detained persons conform to international standards.

ANNE SARIS, of the Fondation Danielle Mitterrand, said there continued to be profound concern over human rights in Peru, where there was a consistent pattern of violations. There had been 31 extrajudicial executions in 1993, yet only two were being investigated. There were also cases of torture. In Colombia, in 1993, there had been censorship of the press and profound suppression of human rights. Over 100 persons had disappeared for apparently political reasons. Little attempt was being made to investigate disappearances. A special rapporteur should be appointed. In Iraq, the human rights situation had not improved. There were numerous violations against the Kurds, with many being held unfairly under detention. United Nations observers should be sent to monitor the situation, and a protectorate should be established over the Kurdish region.

FAWZIA ASSAAD, of the International PEN, said the Writers in Prison Committee of International PEN, which collected information on cases of attacks against individuals in the literary and media professions, had around 700 cases of persecution on its records in over 90 countries. One of the most persistent forms of silencing the dissenting voice was long-term imprisonment, and China was guilty of holding the most writers and journalists. Most were held on charges of "counter-revolutionalry propaganda". PEN called for the amendment of Chinese legislation that provided for the detention of persons solely for expressing their views. All those individuals should be freed, he said.

Long terms of imprisonment had also been served against writers in Viet Nam, Myanmar, Burma, Syria and Cuba. Other means by which Governments around the world chose to silence the voices of their critics included harassment and intimidation, short-term detention, beatings and other forms of torture, and disappearance. There were over 45 recorded instances of killings in the period January to November 1993 in countries including Turkey, Algeria, Mexico, India and Tajikistan. In all cases of the killings of writers and

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journalists, International PEN called for full and impartial investigations, and that those found responsible be brought to justice.

SYED NAZIR GILANI, of the World Society of Victimology, urged the Commission to reorient its priorities regarding the disappearance of people in conflict zones. United Nations machinery should assist warring countries not to invoke enemy images, and the offending State should be subjected to "compliance mechanisms of sanctions and conditionality". He appealed for countries engaged in the Kashmir dispute not to remain blinkered with "enemy images" of each other and to divert their resources to development, health, education, elimination of hunger and peace projects. It was a welcome sign that India had decided to let independent observers into Kashmir, but it was time that the United Nations and non-governmental organizations around the globe assisted India and Pakistan on the Kashmir problem.

DAURE SERFATY, of the Movement against Racism and for Friendship among Peoples, said problems continued in the Maghreb. In Algeria, it was impossible to give figures on the number of enforced disappearances, but it was high. In Tunisia, legal custody was 10 days -- an extremely long period that was often lengthened through administrative manoeuvres to over a month. During such police custody, eight people had died between April 1991 and January 1992. In Mauritania, frequent summary executions took place. A Libyan human rights advocate who had been living in Paris was kidnapped while visiting Cairo and had not been heard from since. In Morocco, there were hundreds of disappearances and cases of secret detention under appalling circumstances.

Right of Reply

IVAN MORA GODOY (Cuba) said the International PEN Movement had claimed that Cuba had imprisoned a number of writers, and that two were still in prison. None of them was a journalist or writer. They had been imprisoned for acts of terrorism and sabotage.

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